

Halifax Township
Board of Supervisors
Monthly Business Meeting
November 8, 2010

Call to Order: Chairman Bechtel called the meeting to order at 7:00 PM.

Roll Call: Supervisors Ken Hoover, Linda Stopfel, Carol Eppley, Gary Shultz, and Ken Bechtel were present. K&W Engineer Tom Wilson, Solicitor Bruce Warshawsky, Roadmaster Dale Shoop and Secretary Shanemarie Ferguson were also present.

Chairman Bechtel announced that an executive session was held on October 18th from 1:50PM-3:35PM and on November 3rd from 1:05PM-3:50PM to discuss employee compensation. Moreover, he indicated that all board members were present for both meetings and that Dale Shoop and Raymond Maus were present at the November 3rd meeting.

Public Comment Period:

- A. **Loretta Prouse:** indicated that she wanted to clarify the nature and extent of services provided by Upper Dauphin Human Services Center (UDHSC) in light of the related discussion at the last budget meeting. She then noted that from June 1st-October 31st of this year, UDHSC provided emergency services, food, etc. to 63 new/unduplicated individuals from the Halifax Area, of which 22 of those were from Halifax Township. She then noted that the Northern Dauphin Human Services Center (NDHSC) does not provide food to Halifax residents since Halifax United Methodist serves as the local food pantry. Moreover, she noted that the services that NDHSC does provide to Halifax residents are very limited in nature, consisting only of services that are government mandated. Loretta then reviewed the organizational partnerships that UDHSC has had in making these services possible as well as the entities that have provided them with grant funding. She then emphasized the fact that Dauphin County has not provided UDHSC with any kind of financial support since 2008. Finally, Loretta noted that UDHSC's scouting for food program was currently underway and urged those who received a scouting for food bag on their porch to make a donation, which she indicated would be picked up by UDHSC this coming Saturday.
- B. **Melinda Warfel:** declined to comment.
- C. **Charles Paulvir:** indicated that he would speak later as noted on the agenda.
- D. **Flo Mallonee:** declined to comment.
- E. **Donna Rode:** expressed concern over the recent proposal by the Federal Reserve to stimulate the economy by digitally infusing money into it. She then indicated that while the health of the Township's current financial position appears to be good, she questioned the transparency of past financial transactions associated with Park income and expenditures that had been approved by the prior board. In light of Supervisor Stopfel having questioned the accuracy of the former Treasurer's accounting of Park Fund monies, and having suggested that the Park Fund balance was understated as a result, she then recommended that the board have its accounting records audited immediately, noting that it should have been done following the resignation of the prior Treasurer, David Hoover per section 901b of the Second Class Township Code. She then noted that the audit would not only serve to ensure transparency and accuracy of these transactions (and all others), but it would also provide a means by which to preserve the integrity of the former Treasurer, whose competency, she noted, she was not questioning.
- F. **Norma Shearer:** shared photos of Fort Halifax Park in Winslow, Maine and noted the similarities between this park and the Township's Park. In addition, she reviewed the facilities, structures and development of the Park in Maine and suggested that many of these items (i.e. pavilions, a small

stage, port-a-potties, brush-clearing) were simply done and could be duplicated at the Township's own Park at a very low cost.

- G. Allan, Sherry and James Sommerville:** Allan Sommerville indicated that he would speak later as noted on the agenda.
- H. Jerry Kissinger:** suggested that Ken Masser had unnecessarily wasted the Township's time and money by waiting until the last minute to address his violation of the Township's Nuisance Ordinance as it pertained to his abandoned/junked vehicle. Moreover, he suggested that Mr. Masser had yet to adequately address the violation surrounding the Mile-a-Minute. In light of the board's recent discussion surrounding the Park's septic system, Mr. Kissinger then suggested that someone other than Mr. Masser be utilized for septic services, as he felt that he did not have the right attitude to serve the Township in this capacity.

SECRETARY REPORT

Chairman Bechtel noted that the October 11, 2010 minutes had been presented for approval. Ken Hoover then motioned to accept the minutes as presented. Gary Shultz seconded the motion and the motion carried 5:0.

TREASURER REPORT (see attached)

Paid Interim Bills

Gary Shultz motioned to approve the paid interim bills as presented. Linda Stopfel seconded the motion and the motion carried 5:0.

Unpaid Current Bills:

Ken Hoover motioned to approve for payment the unpaid bills as presented. Gary Shultz seconded the motion and the motion carried 5:0.

Financial Report: Chairman Bechtel noted that the October 2010 financial reports had been presented for board review.

SEO REPORT:

Chairman Bechtel indicated that Mike Brown had submitted an SEO report for the months of September and October for board review.

PLANNING COMMISSION REPORT (Presented by PC Chairman Fred Ford)

Fred Ford noted that at the November Planning Commission meeting the PC board members reviewed the proposed revisions to the SALDO and motioned to recommend that the Board of Supervisors approve the amended SALDO for adoption.

Solicitor Warshawsky then noted that the recently proposed floodplain changes were not included in this version of the SALDO but would be forthcoming some time in 2011. Tom Wilson then indicated that the Township had yet to receive a notice of final determination from FEMA and therefore could not move forward with the proposed floodplain amendments at this time. Solicitor Warshawsky then reviewed the precursory steps that would be required before the board could adopt the amended SALDO by the December 25th deadline (i.e. advertising and public hearing requirements), as well as provided a summary review of the changes that were being proposed. Ken Hoover then motioned to advertise the changes to the SALDO as required under the Second Class Township Code. Gary Shultz seconded the motion and the motion carried 5:0. The board then agreed to hold the required public hearing on December 9, 2010 at 8PM at the Township's municipal building, with the adoption of the SALDO to follow at the December 13, 2010 BOS meeting.

SOLICITOR REPORT (Presented by Bruce Warshawsky – see attached)

Bruce Warshawsky noted his submission of his monthly report dated November 4, 2010, for consideration by the Board. He then reviewed the following items:

Subdivision/Land Development Plans:

Charles and Janine Paulvir: Solicitor Warshawsky noted that the Paulvir's had a subdivision plan that was approved in 2009 which required that the Paulvir's maintain a letter of credit from a financial institution for improvements that had yet to be completed. He then noted that the Township had received a letter from Susquehanna Bank indicating that the letter of credit would be expiring the first part of December and would not be renewed. Accordingly, he noted that the Township's Engineer was planning to conduct a site inspection on the property to ensure that the improvements for which the letter of credit had been originally posted had been completed. However, he noted, Mr. Paulvir, who had been made aware of the forthcoming inspection confirmed that he had not made any further improvements and thus requested that the inspection not be done given that it wasn't necessary. Mr. Paulvir then indicated that he was experiencing some financial difficulties and as a result, the bank refused to renew his line of credit. He then suggested that the requirement that he post financial security for the future installation of these public improvements was an unreasonable condition, given that (1) the lot on which the public improvements were necessary had been sold and (2) given that the timing of the development of the lot, which would precipitate the public improvements, was unknown. Tom Wilson noted that the Municipal Planning Code, to which the Township is required to adhere, mandates that either the improvements be completed in accordance with the approved plan or an appropriate amount of financial security be posted, thus the requirement is not something that can be waived by the Township. Township Solicitor Warshawsky then noted that as a stipulated condition of approval, Mr. Paulvir (as opposed to the new owner) was obligated to complete the improvements. Supervisor Eppley then inquired as to the difference between this instance and the Kauffman/Heim instance in which Solicitor Warshawsky had advised the Township that the deed itself transfers all rights and obligations associated with the property to the new owner. Solicitor Warshawsky noted that the Township could enforce either party to perform the improvements. However, he noted, that if the Township moved to enforce compliance by the new owner, the new owner in turn could pursue a private matter against the former owner for not satisfying the conditions of the plan as agreed (which he noted, he had also advised the board of with respect to the Kauffman/Heim matter). Discussion then ensued as to how to proceed in the event that Mr. Paulvir could not secure a letter of credit from another financial institution. Solicitor Warshawsky advised the board that the only way to ensure the completion of the improvements would be to call the letter of credit and have the bank pay on it. However, he noted that doing so would not be without consequence to Mr. Paulvir. Otherwise, he noted, following the expiration of the letter of credit, the Township could proceed with a private right of action if necessary. The board then indicated that in light of the amount of money and the nature of the improvements, it was not in favor of calling on the letter of credit. Solicitor Warshawsky then suggested that perhaps the mortgage holder would allow for a lien to be placed on the remaining properties, in order to ensure that the Township's interest was protected. The board then indicated that an alternative approach such as this was preferable if Mr. Paulvir could not renew his letter of credit. Mr. Bechtel then advised Mr. Paulvir to seek renewal of his letter of credit and to notify the Township immediately if he was not able to do so, so that it could explore another alternative such as this, to which he agreed.

Rex A. Nightwine – Final Land Development Plan: Solicitor Warshawsky noted that Mr. Nightwine's 2009 plan could be released and recorded once the Township had received payment for the outstanding engineering review fees. Secretary Ferguson then indicated that Mr. Nightwine had paid these fees in full. Solicitor Warshawsky then advised the board to sign off on the plan as required and release it to Tom Wilson for recording.

Litigation:

Tobias v. Halifax Township: Solicitor Warshawsky noted that the Tobias litigation had been assigned to the Commonwealth's court mediation program. He then indicated that absent any objections from the

board, Mr. Sherr should be advised to proceed with the submission of his court mediation memorandum as presented, to which the board agreed.

Nuisances:

David Scheidler at 2859-A Mountain Road: Solicitor Warshawsky noted that the Scheidler nuisance violation appears to have been abated to the extent that enforcement would no longer be appropriate. Thus, he noted, rather than proceeding with the scheduled hearing, he requested a continuance to allow the board time to consider withdrawing the complaint, which he recommended they do. Dale then reviewed the progress that has been made to date at the Scheidler property. Discussion ensued. Solicitor Warshawsky then noted that if the property is returned to an unacceptable condition, a new letter should be sent detailing the specifics of the complaint otherwise he noted the District Justice would likely throw the case out. Gary Shultz then motioned to withdraw the nuisance complaint. Carol Eppley seconded the motion and the vote carried 5:0.

Other Matters:

Manning Lease: Solicitor Warshawsky noted that the Manning judgment has been entered and transferred to York County where the Manning's currently reside. Finally, he noted, that pursuant to the board's previous direction he is moving ahead with the necessary proceedings to collect on that judgment.

Ken Masser – Stormwater issue: Solicitor Warshawsky noted that he had provided the board with a draft response letter to Mr. Masser addressing his prior inquiries about stormwater issues related to the development of Lenker Estates. He then noted that if the board had no objections, the letter could be forwarded to Mr. Masser, to which the board agreed.

Letter of Collateralization: Solicitor Warshawsky indicated that Secretary Ferguson should request an updated letter of collateralization from Susquehanna Bank, noting that the board had expressed an interest in securing one every six months. Secretary Ferguson then indicated that the bank had forwarded an updated letter of collateralization to the Township just last week.

ENGINEER REPORT (Presented by Tom Wilson – see attached)

Tom Wilson of K&W Engineers reviewed the services provided to the Township for the period: 09/25/10-10/29/10 as contained in the Engineer's Report dated November 2, 2010. No action was required by the board.

ROADMASTER REPORT (Presented by Dale Shoop)

Dale Shoop noted that he had taken the necessary measures to winterize both of the park rental units.

ADMINISTRATIVE

- A. 2011 Municipal Planning Advisory Service Agreement:** Chairman Bechtel noted that the Township had received the Municipal Planning Advisory Service Agreement for 2011 and asked if the board was agreeable to executing this agreement and applying for \$1250 in planning advisory services. The board then indicated that it had no objection to applying for these services again. Chairman Bechtel noted that these services could be utilized for the Comprehensive Plan. Gary Shultz then motioned to execute the 2011 Municipal Planning Advisory Service Agreement. Linda Stopfel seconded the motion and the vote carried 5:0.

OLD BUSINESS

- A. Dry Hydrant Update:** Charlie Bisking noted that the dry hydrant had been installed at Lake Tobias and was fully operational at this time. Moreover, he noted that Rick Grosser donated his time and equipment to install the hydrant and piping.

- B. Park Update:** Carl Dickson, the Director of Dauphin County Parks and Recreation, provided an overview of the recent clean-up work done to the Park's barn and farmhouse. He then noted, that while overseeing this work, he was able to analyze the condition of the buildings on the property. He then suggested that the 20th century additions/structures be demolished noting that this would: (1) enhance the aesthetic appeal of the Park, (2) decrease future maintenance and restoration costs and (3) open up access to the remaining historic structures so that they could be further analyzed. With respect to the Park's 19th century structures, Mr. Dickson suggested that they were all in sound condition, including the barn, for which he suggested was 85%-90% structurally sound overall. He then noted that these buildings could be mothballed indefinitely until plans for restoration or reuse had been formalized. He then noted that the proposed demolition could be readily done with Township equipment and manpower. Moreover, he indicated that he would be willing to oversee the demolition if the board so desired. Gary Shultz then indicated that he was very pleased with the results of the clean-up efforts and thanked Mr. Dickson and the County for their generous contribution. He then motioned to send a letter of gratitude to all involved. Linda Stopfel seconded the motion and the motion carried 5:0. Chairman Bechtel then expressed gratitude for their efforts as well. Linda Stopfel then noted how fortunate the Township was to have Mr. Dickson's involvement, given his expertise in historical structures.
- C. Masser Nuisance Complaint Update:** Chairman Bechtel noted that Mr. Masser had removed the abandoned/junked vehicle from his property. In addition, he noted that Mr. Masser had also sprayed the Mile-a-Minute again that was encroaching onto Mr. Kissinger's property and thus he felt that the concerns surrounding the Masser nuisance complaints had been adequately taken care of at this time.
- D. Sommerville Nuisance Complaint:** In response to the nuisance letter he received regarding the accumulation and storage of over 30 vehicles on his property, Mr. Sommerville noted that all of the vehicles were collectibles for which he had a restoration plan. Chairman Bechtel then noted that pursuant to the Township's Nuisance Ordinance, he would be required to take some sort of action so that the vehicles would no longer be a visual nuisance to the neighbor. Discussion then ensued as to the means and timeline by which this would need to be done. Mr. Sommerville then agreed to put up fencing that would adequately screen the vehicles. However, he requested as much time as possible, noting that while the fencing could go up immediately, getting the vehicles behind the fencing would take some time given that many were not currently in moveable condition. Gary Shultz motioned to grant Mr. Somerville until the February 2011 BOS meeting to have the nuisance adequately abated as discussed. Carol Eppley seconded the motion and the vote carried 5:0.
- E. Park Rental Units Septic System Update:** Chairman Bechtel noted that following last month's discussion about the functionality of the Park rental units septic systems, he had contacted Michael Brown to see if it would be possible to put the brick house onto the farmhouse's septic system in order to have a fully functioning rental unit. He noted that Mike had indicated that it was a possibility. Moreover, he noted that Mike had reviewed a number of alternatives with him including the installation of a new septic system, which would require a sand mound. Following an inquiry regarding the condition of the holding tanks at the brick house, Chairman Bechtel indicated that Mike noted that if the holding tanks were utilized, the associated costs of pumping would likely be as great as what the Township could collect in rent off of that unit. Discussion ensued. Linda then suggested that the Park Fund balance was understated due to the commingling of Park funds with General funds by the former Treasurer. Accordingly, she suggested that there should be ample funding available from Park rental income to install a new septic system if needed. Melinda Warfel noted that she had reviewed Park income and expenditure figures dating back to 10//01/06 as taken from the former Treasurer's financial statements and suggested that there had been an accurate accounting of these funds. Moreover, she noted that the approved park expenditures exceeded park rental income by over \$4,000. Chairman Bechtel then noted that he felt that decisions involving major improvements were premature at this time and suggested a camera inspection of the farmhouse's septic system to ensure it was functioning properly. Dale Shoop noted that the drain field would not be accessible by camera and thus, a camera inspection would provide limited information. Discussion ensued. Gary Shultz then reiterated his interest in having the brick house connected

to the farmhouse's septic system, given that it was the most economical approach to getting a unit into rentable condition so that the Township could begin to generate rental income again. Linda Stopfel then noted that it was her preference to get an estimate of cost for a new septic system before making any decisions. Chairman Bechtel then agreed to see if Mike Brown could provide any further guidance.

- F. Park Buildings:** Gary Shultz presented images of the barn, post clean-up, highlighting areas in the lower barn in particular that he felt posed extreme safety concerns. He also reiterated his position that he did not feel the barn was structurally sound and thus, he thought it would be unwise to mothball the barn for future renovations, given that time would only cause the building to deteriorate further and pose an even greater physical hazard for which the Township could possibly be held liable. Following his presentation, he noted that the buildings were contained within the building envelope, which he noted was separate from the Park, and therefore the board's responsibility in deciding upon the appropriate action(s) to be taken with respect to their future. He then motioned to have the barn scheduled for reclamation, allowing for the preservation of any worthwhile timbers. Discussion ensued. Residents in favor of restoring the barn argued that the building was both structurally sound and of great historical significance, thereby making its eventual restoration worthwhile. Chairman Bechtel noted that the restoration of the barn would likely call for a total rebuild of the structure, thus preserving very little of the original architecture. Discussion ensued. Linda Stopfel then asked to be given the opportunity to pursue grant funding for the restoration of the barn before any further decisions were made. Discussion ensued with no decisions being reached. The motion to schedule the barn for reclamation died due to a lack of a second. Chairman Bechtel then indicated the need to decide upon a course of action at the next meeting.
- G. Update re: Letters to be sent to homeowners with "confirmed" malfunctions:** Chairman Bechtel noted that although the board agreed at last month's meeting to send letters to homeowners who had been identified as having confirmed malfunctions (by way of response to a 2006 survey), further discussion had been given to the appropriateness of this approach. He noted that there were a number of concerns with this approach including: (1) whether or not the "confirmed" malfunctions had been properly classified, (2) changes of ownership that have occurred since the time of the survey, and (3) the confusion that a generic letter would create. He then noted that both Michael Brown, the SEO and, Justin Coon, the alternate SEO, advised against this approach as well. Discussion ensued. Chairman Bechtel then noted that Michael Brown had reviewed the 537 paperwork associated with these potential malfunctions. Solicitor Warshawsky then advised the board to request a letter from Michael Brown, reporting his findings from this investigation, which he noted should simply be kept on file and would reflect a good faith effort on the Township's behalf in looking into these potential issues.
- H. EIT Update:** Chairman Bechtel noted that a meeting had been scheduled for November 11th at the DC Conservation District Building to finalize the details of the contractual arrangement with Berkheimer for the collection of the earned income tax. He then noted that the contract would be ready for board approval at the December meeting.
- I. Casner Nuisance Update:** Solicitor Warshawsky noted that the Township had received a net payment of \$247 from the county stemming from the Casner tax sale. He then indicated that since the Township had only filed a municipal claim no further action could be taken to collect on these monies.

NEW BUSINESS

- A. 2011 Budget Advertisement:** Chairman Bechtel noted that the proposed budget for 2011 had been completed and would need to be advertised so that the board could consider it for adoption at the December meeting. Carol Eppley then motioned to advertise the 2011 budget as required. Ken Hoover seconded the motion and the motion carried 5:0.

ANNOUNCEMENTS:

Chairman Bechtel announced the following upcoming meetings/events:

Planning Commission Workshop	November 15, 2010 7PM
Office Closed	November 11, 2010 – Veteran’s Day
Office Closed	November 12, 2010
Office Closed	November 24-26, 2010 – Thanksgiving Holiday
Planning Commission Meeting	December 6, 2010 7PM
Act 167 Public Hearing-SALDO	December 9, 2010 8PM
Township BOS Monthly Meeting	December 13, 2010 7PM

ADJOURNMENT: Carol Eppley motioned to adjourn the meeting at 10:57 PM. Linda Stopfel seconded the motion and the motion carried 5:0.

Respectfully submitted,

Shanemarie Ferguson, Township Secretary