

**HALIFAX TOWNSHIP  
BOARD OF SUPERVISORS  
MONTHLY BUSINESS MEETING  
October 10, 2011**

**CALL TO ORDER:** Chairman Bechtel called the meeting to order at 7 p.m. followed with the Pledge to the Flag.

**ROLL CALL:** Supervisors Bechtel, Shultz, Stopfel, Eppley and Hoover are present. Solicitor Bruce Warshawsky, Secretary Carolyn Nye and Roadmaster Corey Stazewski are present. Engineer Tom Wilson is absent.

**EXECUTIVE SESSION:** Chairman Bechtel announced two executive sessions held regarding litigation. The first was October 3 at the Township building from 5:55 p.m. to 7 p.m., three Board members present along with the Engineer, Solicitor and representatives from DONCO Construction. The other executive session was held October 10 from 6 p.m. to 7 p.m. The beginning of the meeting was attended by the Board and the Solicitor. DONCO representatives attended the latter part of the meeting to its conclusion. Both executive sessions involved litigation.

**PUBLIC COMMENT PERIOD:** Chairman Bechtel announced there is a three-minute time limit to public comments. **Jerry Kissinger** asks when are the trees going to be planted at the park. Corey stated they are scheduled for planting October 24. **Barbara Kutt** stated she is in favor of Ft. Halifax Park. **Peg Wasson** informed the Board that some people from DAR looked at the farmhouse foundation and thought it could have possibly been there long before the current house was built on it. **Fred Ford** has nothing at this time. **Donna Bakelaar** is in favor of Ft. Halifax Park. **Bruce Henry** supports Ft. Halifax Park. **Sharon McDonald** commended the Friends of Ft. Halifax for all their work they have done for the park. She also mentioned the historical significance of the park. **Bob Blosser** who is on the park committee continues to give his support of the park. **Flo Mallonee** has nothing at this time. **Joetta Miller** announced her support of the park. **Bill Burch** is representing the Posavec and Strohecker Plans. **Jim Eppley** announces his support of the park. **Norma Shearer** announces her support of the park and commented on the activity regarding the archaeological dig that took place this past weekend. **Eileen Snyder** has nothing at this time. **Brad Bruner** has nothing at this time.

**SECRETARY/TREASURER REPORT: Paid Interim Bills** – Chairman Bechtel explained the ARK Safety Equipment bill. This had to do with safety equipment purchased as a result of the recent flooding. **Motion** – Supervisor Hoover made a motion to approve the interim bills, seconded by Supervisor Stopfel, vote called, motion carried 5-0. **Current Unpaid Bills** – Supervisor Hoover made a motion to approve the unpaid bills, seconded by Supervisor Shultz, vote called, motion carried 5-0. **Minutes** – Supervisor Hoover made a motion to approve the September 12, 2011 minutes as written, seconded by Supervisor Eppley, vote called, motion carried 5-0. **Financial Report** – reviewed with no discussion.

**EMC REPORT:** No updates.

**PLANNING COMMISSION REPORT/RECOMMENDATION:** Fred Ford gave the October 3, 2011 report. **Harlan Reinfeld** – Harlan would like to put a mobile home on his property which would replace one that was removed. **Motion** – Supervisor Hoover made a motion to approve the recommendation to waive the land development plan contingent upon the following: 1. The mobile home is not to exceed 1000 sq. ft., 2. A reasonable time frame for habitation be established, 3. The need for inspection by SEO regarding integrity of sewage system and 4. A building permit be required. The motion was seconded by Supervisor Shultz, vote called, motion carried 5-0.

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**Posavec Plan – Motion** – Supervisor Shultz made a motion to waive Section 404 Preliminary Plan but not the data contained in the preliminary plan, seconded by Supervisor Hoover, vote called, motion carried 5-0. **Motion** – Supervisor Hoover made a motion to approve the Posavec Subdivision Plan, seconded by Supervisor Shultz, vote called, motion carried 5-0. **Strohecker Mobile Home Park Subdivision Plan – Motion** – Supervisor Hoover made a motion to approve the revised plan which shows the change in setback, seconded by Supervisor Stopfel, vote called, motion carried 5-0.

**ENGINEER REPORT:** Chairman Bechtel read the engineer report of October 6, 2011 due to Tom Wilson's absence.

**SOLICITOR REPORT: Tobias Litigation** – Mr. Tobias filed a petition for allowance to appeal. He indicated the appeal may end up being denied. If not, could go to Supreme Court and take 2-3 years. The Solicitor stated if there is no appeal, the Board will have to deal with the outstanding issues with Mr. Tobias and that is the deed of dedication and the issue pertaining to the location of the road. Attorney Sherr is going to wait 30-60 for the Supreme Court's decision. **Martin Konchar** – The Solicitor met with Mr. Konchar's attorney Mr. Radebach and Bill Burch the engineer and it appears that the Konchar property is not within boundaries of the property the Township bought from the Pa Conservancy. This can be resolved by an agreement with Mr. Konchar. It appears the problem is between Mr. Konchar and the railroad. The Solicitor will contact Mr. Radebach to go over an agreement. There is a legitimate concern that the Township mark the boundary which is 30 feet from the center of the railroad tracks in order to make sure that any development does not encroach into that 30 feet. Bill Burch was commended by the Solicitor for his expertise in this matter. **SALDO** - The SALDO changes will exclude the flood plain due to the fact that the County has not completed the flood maps. The maps are projected to be completed by the County in March 2012. **Morris Rill** – The Solicitor stated Mr. Rill needs a DEP permit due to the fact that his building project is in a floodway. There is no UCC issue. The Solicitor and Engineer will discuss any other details to determine if there are other requirements. **Harner/Hoover/SEO Issues** – The Solicitor stated he has been in contact with Mike Brown about this issue and it appears the flood took care of the immediate issue. However, the SALDO changes may have to reflect regulations pertaining to this type of issue. **Strohecker Tax Appeal** – Melinda Warfel will calculate the taxes owed but wants a letter from the County to reflect a figure for the past three years. Assuming that it is approved by the School District and the County, the Township was asked to act on this per the agreement received. **Status of Albright Property** – Norma Shearer asks the status of this nuisance. The Chairman stated this will be addressed later under Old Business. **Proposed Tax Appeal Agreement** – Supervisor Hoover made a motion to authorize the Tax Appeal Agreement, seconded by Supervisor Stopfel, vote called, motion carried 5-0. **DONCO Real Estate Developer's Agreement** – The Solicitor stated this agreement constitutes the framework for the resolution of the litigation between DONCO and the Township. There have been six months or more of discussions by the Board in various executive sessions. **Motion** – Supervisor Hoover made a motion to approve the agreement with exclusions discussed in the executive session, seconded by Supervisor Shultz, under discussion the Solicitor presented a more detailed background of information that has led to this agreement and explained that the new proposed plan must be consistent with this agreement if it is to receive approval. The review of the plan will first come before the Planning Commission then in a public hearing and then for consideration by the Board of Supervisors. The changes include significant changes to storm water and removes any requirement that neighboring landowners provide any easement or agreement because of the changes in storm water relating to topography of the plan which improves site distances, makes provision for a neighboring landowner to access a private driveway which he previously had access to but would not have had access to this in the previous plan of 2007. The developer has agreed to provide calculations per all the modified areas.

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There are exclusions that permit size of properties to be 10% less than the ordinance would provide and also to cut down some of the setbacks. There are two reasons that resulted in these modifications. 1. To permit the developer to retain the number of developable lots and 2. To accommodate the substantial changes in storm water management so that the neighboring landowners would not be impacted. There are other provisions including a deferral of the calculation of financial security until such time as the developer determines to record the plan. The plan cannot be developed until it is recorded. The documents to be submitted for the Township's review are documents designed to address and resolve litigation. The Solicitor stated it is his advice as counsel that such documents are not public documents until they are recorded in the court house and then any and all documents relating to the matter become public and open records. The Township is insisting upon a Planning Commission review at which time the documents will be made available for public inspection and review by the Planning Commission but not available for copying or extraction. The documents will again be made available for public inspection at the Board of Supervisor's meeting prior to final approval but again no copying, photographing, videoing or extracting. There is also a provision to protect the Township with respect to any work that must be done in third party easements, particularly anticipated is that some of the PennDOT facilities will have to be modified in such circumstances and the cost for that modification will be born by the developer even though the township may be the designated applicant to the Dept. of Transportation as required by their regulations. Mr. Silver attorney for Mr. Lenker has nothing more to add. Norma Shearer questioned the procedure and public inspection and the Solicitor reiterated that this subject matter is still in litigation. The public will have time to review it, inspect it and in the Solicitor's opinion none of this has to be sunshined because it is a matter in litigation and this is his advice to the Board. Mr. Silver reiterated that the plans will be subject to review in three public forums, 1. At the Planning Commission Meeting, 2. At the Public hearing and 3. At the Board of Supervisors Meeting. Mr. Silver also stated Mr. Lenker did not file a lawsuit against Halifax Township but that Halifax Township denied the final approval of Lenker Estates Phases II and III in 2007 without further discussion. Mr. Lenker then exercised his right under the Municipal Planning Code to file a timely appeal to that denial of that plan. Bonnie Freeman asks if it can be assured that no exceptions will be made for this plan under the Township ordinances. Chairman Bechtel said that this plan will deviate to some degree because of the agreements that are to be made in this document regarding storm water in order to improve the controlling of storm water as it would affect neighboring properties. The Solicitor stated there are modifications relative to a curve on the road to improve site distance; also there is a deviation from lot size and setbacks in an amount not to exceed a 10% deviation. Carol Eppley stated ordinarily Mr. Lenker would have had to go back to a preliminary plan and it was agreed that he would not have to do that if he could get waivers and change his plan. She feels this document ties the hands of the township. The Solicitor simplified the explanation stating the previous Board denied the plan in 2007 because it felt the plan was not consistent with the preliminary plan that had been submitted in 2003. The developer sees this differently in that he sees the submission of the plan in 2007 as being consistent with the preliminary plan that was approved in 2003 by the Board of Supervisors. In addition to reasons for the denial in 2007 based on inconsistency, there were concerns regarding storm water which would adversely impact neighboring land owners. This agreement addresses all of those concerns. Flo Mallonee commended the Solicitor in his explanation and handling of this issue. Jim Eppley asks if the property lines have been resolved. The Solicitor stated the property line is resolved by the requirement that a professional engineer and professional surveyor certify the new plan with the boundaries as shown. Jim questioned how is anyone to know for sure about the certification if the plan is not sealed. Jim noted if the plan is not recorded in the court house, it can be changed and how would anyone know this and who is going to check this. The Solicitor stated the plan cannot be approved without the certifications and the Township Engineer would be the one to check this. Vote called, Supervisor

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Bechtel yea, Supervisor Shultz yea, Supervisor Hoover yea, Supervisor Eppley no and Supervisor Stopfel abstain, motion carried 3 yeas, 1 no and 1 abstention.

**ROADMASTER REPORT: Dumpster/Flood Cleanup** – Corey stated more materials being dumped along township roadways. He asks if the Board would consider providing a dumpster to get rid of the trash along the roadway. The Board discussed the idea of doing a special cleanup day as a result of the recent flooding. **Motion** – Supervisor Shultz made a motion to advertise the special cleanup day two times for October 29, seconded by Supervisor Shultz, vote called, motion carried 5-0.

**Bonnie Freeman** commended the Township for scraping back Camp Hebron road which makes the roadway wider.

**Supervisor Hoover** thanked Fred Anderson for the paving at the recycling area at Deppen Park.

**Fellowship Drive Paving** – Corey provided information on the preparation involving excavating and compacting stone on Fellowship Drive. This had to be done before Eastern could do their paving. What the Township did was not in the contract bid specs. **Boyer Street Caldesac** – Glenn Yeager approached Corey about asking the Board to donate pipe for repairing a pipe along Boyer Street. Corey will do a site inspection and report to the Board at the next meeting. **Sycamore Tree Planting on East side of park property** - Corey reported that Jim Cessna of PennDOT denied permitting the Township to plant trees on their right-of-way along North 147. Corey stated he asked for a written denial from PennDOT.

**ADMINISTRATIVE: Fire Relief Check** – The Township is in receipt of the 2011 Fire Relief Fund in the amount of \$37,435.31. This includes a pre-payment for 2012. Secretary will check with the Ambulance Association for their input regarding a share of this check. **Archaeological Dig** – Chairman Bechtel spoke about the recent archaeological dig and findings at the Ft. Halifax Park. He indicated there were volunteers from Indiana University as well as local volunteers. Chairman Bechtel was told in the future there may be universities who may want to take part in future digs.

**SEO REPORT:** The SEO submitted a report to the Township for August and September.

**OLD BUSINESS: Updates on Nuisances – Kolva** – There still appears to be trash on the property. **Motion** – Supervisor Shultz made a motion to authorize the Solicitor to file an action against the Kolvas, seconded by Supervisor Eppley, vote called, motion carried 5-0. **Albright** – Supervisor Stopfel made a motion to file an action against the Albrights, seconded by Supervisor Eppley, vote called, motion carried 5-0. **Masser** – The building has been torn down. There are still some weeds that have not been sprayed. Per Supervisor Stopfel in her conversation with Mr. Masser, he will be spraying the high weeds and remove some other items on the property. **Tobias Issue-Keefer Road** – The Solicitor covered this under his report.

**NEW BUSINESS: State Preservation Plan Photos** – Supervisor Stopfel gave an overview involving this plan. Chairman Bechtel stated he would hope this includes Taylor School which is being worked on by the Halifax Historical Society to preserve its historic values.

**Budget Meetings** – The Board selected the following dates for advertising the public budget meetings: October 20, November 3 and November 10 all at 6 p.m.

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**FEMA Workshop** – Supervisor Stopfel will attend the October 27 workshop for the 2-4:30 p.m. session.

**Susquehanna River Trail Association** – This is the Island Hopper canoe event scheduled for Saturday, **June 23, 2012**. Supervisor Stopfel indicated the Township insurance covers this type of event.

**Dauphin Co. Conservation District Director Appointment** - Chairman Bechtel commented on the receipt of the letter from the conservation district. The Township will not act on this.

**Advertisement for November 21 public hearing – Motion** – Supervisor Hoover made a motion to have a public hearing November 21 at 7 p.m. contingent upon the Planning Commission receiving the Lenker Plan, seconded by Supervisor Shultz, vote called, motion carried 5-0.

**AGENDA ITEMS FOR NEXT MEETING:** None noted.

**ANNOUNCEMENTS:** Planning Commission Meeting November 7 at 7 p.m.  
Township Meeting November 14 at 7 p.m. Planning Commission Workshop October 31 at 7 p.m.

**ADJOURNMENT:** Supervisor Stopfel made a motion to adjourn at 10:38 p.m., seconded by Supervisor Shultz, vote called, motion carried 5-0.

Respectfully Submitted By,

Carolyn Nye  
Township Secretary