

Halifax Township
Board of Supervisors
Monthly Business Meeting

June 14, 2010

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

Roll Call: Supervisors Ken Bechtel, Linda Stopfel, Carol Eppley, Ken Hoover and Gary Shultz 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 earlier in the evening from 6:00PM-6:52PM to discuss litigation matters. He noted that in addition to the entire board being present, Tom Wilson and Bruce Warshawsky were also in attendance.

Carolyn Nye indicated that she was audio taping the meeting.

Public Comment Period:

- A. Flo Mallonee:** declined to comment.
- B. Donna Rode:** extended gratitude to the new board, and the Township's representatives for the work that they've done this year in ensuring board transparency and representation of citizen interests as well as for their success in bringing resolution to a number of longstanding issues. She then expressed concern that while Shanemarie Ferguson had been hired as both Secretary and Grant Writer by the former board she had not yet been given the opportunity to work on grants for the Township. She then asked that the board adjust for this oversight and assign her to the task of applying for grants, noting that she believed this would only enhance the Township's ability to acquire future funding.
- C. Kenneth Masser:** inquired as to when he would receive a response to the questions he posed at last month's board of supervisors meeting pertaining to run-off from the Lenker Estates Development. Chairman Bechtel indicated that the board was reviewing the facts and noted that the board would likely be able to provide an informed response by next meeting.
- D. Melinda Warfel:** noted that the Fire Department is still reviewing the dissolution clause in the fire service agreement to determine if the language is consistent with both their current tax status as a 501c(3) and with their by-laws. Chairman Bechtel indicated that in his discussions with Charlie Bisking he tried to impress upon him the need to complete their review so that the Township and the Fire Department could move forward with a signed agreement. Melinda then indicated that the Fire Department had expressed an interest in transferring ownership of their assets to another fire company in the event of dissolution. Solicitor Warshawsky indicated that he would be concerned on behalf of the Township if the wording were to suggest that the assets were to go to another fire company with whom the Township has no formal fire service agreement in light of the Township's legal responsibility to provide fire services to its residents. Melinda then indicated that she felt that the Fire Department's legal counsel would likely find the language to be acceptable which she suggested would allow the Fire Department and Township to move ahead with a signed agreement.

SECRETARY REPORT

Ken Hoover motioned to accept the May 10, 2010 minutes as presented. Carol Eppley seconded the motion and the motion carried 5:0.

TREASURER REPORT (see attached)

Paid Interim Bills & Unpaid Current Bills:

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

Ken Hoover motioned to approve the unpaid bills as presented. Carol Eppley seconded the motion. Chairman Bechtel then noted that the payment to be made to Dauphin County Tax Collection Committee is the Township's portion of the start-up money needed by the Committee at this time. The motion then carried to approve the unpaid bills as presented 5:0.

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

SEO Report

Chairman Bechtel indicated that Mike Brown had submitted an SEO report for the month of May for the board's review.

PLANNING COMMISSION REPORT (Presented by PC Chairman Fred Ford)

Chairman Bechtel noted that the June 2010 Planning Commission meeting had been canceled, as there was no business to conduct. He then noted that the next Planning Commission meeting would be held Wednesday, July 7, 2010. Chairman Bechtel then indicated that he and Vice Chairman of the Planning Commission, Bob Artman had attended the Valleys Regional Comprehensive Plan meeting last Tuesday, where they discussed selective character areas for the Plan. Melinda Warfel then noted that there is only one additional public meeting scheduled for the VRCP and encouraged participation from citizens noting the committee's interest in their input. Chairman Bechtel noted that the next Comprehensive Plan meeting is scheduled for July 13, 2010 at 7PM in Halifax Borough.

SOLICITOR REPORT (Presented by Bruce Warshawsky – see attached)

Bruce Warshawsky noted his submission of his monthly report dated June 11, 2010, for review by the Board. He then reviewed the following items:

LITIGATION:

Tobias v. Halifax Township: Bruce noted that a meeting had been scheduled for June 21st at 1:30PM at the Township's Municipal Building to discuss matters with Mr. Tobias and his counsel. He then noted that he, Tom Wilson, and Township's Insurance counsel, Anthony Sherr were scheduled to attend. He then indicated that there should be involvement by 1 or 2 supervisors. However, he advised against the presence of a quorum in light of potential violation of the Sunshine Law. Discussion ensued. Chairman Bechtel and Ken Hoover then indicated that they would be willing to attend.

DONCO Construction/Lenker v. Halifax Township:

Bruce noted that this issue had been discussed during executive session, but since no formal action was to be taken, there was no need for public discussion.

NUISANCES:

Clifford & Katherine Harn – 11 Rutter Road:

Bruce noted that Mr. Harn was present and offered him the opportunity to address the board as it pertained to his nuisance violation, however he declined. Bruce then indicated that with respect to the vehicles on Mr. Harn's property, the issue requiring clarification was whether or not all of the vehicles were in operable condition. Dale indicated that while he was not certain as to whether or not all of the vehicles were

operable, he was able to confirm that all of the vehicles were properly licensed. Mr. Harn then stated that all of the vehicles on his property were in running condition. Bruce then noted that any vehicle capable of being operated would not fall under the nuisance ordinance's definition of an abandoned or junk vehicle. Thus, there would not be a legitimate reason for any enforcement action taken against the Harn's for those reasons. Bruce then indicated that the other reason for the nuisance violation notice pertained to overgrown vegetation on the property, which he stated had been adequately addressed as well. Bruce then indicated that there was no need for enforcement action to be taken at this time, unless the board advised otherwise. Chairman Bechtel then thanked Mr. Harn for addressing those issues.

David Scheidler – 2859-A Mountain Road:

Bruce noted that there has been no activity on the Scheidler nuisance for the past six months and asked if the board would like to take further action. Dale indicated that it appears as though the clean-up efforts of Mr. Scheidler have come to a halt. Bruce then noted that the board could as a matter of courtesy, send a second violation notice with a date certain by which Mr. Scheidler would be required to comply, or move right to enforcement action since Mr. Scheidler has not taken adequate measures to clean up his property after being informed of the need to do so via the December 15, 2009 notice. Gary Shultz then motioned to send a second notice, with a date certain by which to comply. Carol Eppley seconded the motion. Chairman Bechtel then asked for clarification as to who was to author the letter. Discussion ensued. The board then directed Secretary Ferguson to generate a second notice, which is to include photographs of the current condition of the property. In addition, the notice is to include a date certain by which Mr. Scheidler would be required to comply, which is to be based on the board's determination of what is a reasonable amount of time to clean up the property given its current condition. The vote then carried 5:0.

OTHER MATTERS:

Manning Lease Issue:

Bruce noted that the Manning's had vacated the rental house at the Park. He then noted that the topic had been included on the agenda under Administrative items and indicated that he would postpone further discussion until then.

Treasurer Replacement:

Bruce noted the need to have official notification as to whether or not Secretary Ferguson had accepted the offer to serve as Township Treasurer, under the terms provided at the last meeting. Secretary Ferguson then indicated that she had accepted the offer as presented. Bruce then noted that the Treasurer appointment would run through the end of the calendar year under the terms set at the May 10, 2010 meeting.

Fire Service Agreement:

Bruce noted that Melinda had already provided an update on the status of the Fire Service Agreement during public comment period.

Heim/Kauffman Matter – Fuhrman Road:

Bruce noted that following last month's meeting he was contacted by Ms. Kauffman who indicated that she had granted Mr. Heim permission to use Fuhrman road. However, Bruce indicated that he was concerned about overlooking plan contingencies noting that the installation of the road to serve Mr. Heim's was a condition of the approved subdivision. Dale then noted that Mr. Heim had indicated to him that he would be applying for a permit from PennDOT for this driveway, and if denied, he would seek permission for the continued use of Fuhrman Drive from neighboring landowners as well as a waiver from the Township. Discussion then ensued as to whether or not the board should supplement his request for a permit with a supporting letter from the Township. Chairman Bechtel then indicated that he believed Mr. Heim's interest in pursuing a response from PennDOT was to secure a formal rejection for the request of a driveway permit so that he would be better positioned to receive a formal waiver from the Township. The board then decided not to intervene at this time and allow Mr. Heim to pursue his position with PennDOT.

Pawnee Road/ Baer Complaint:

Bruce inquired as to whether or not anything else had transpired with respect to Mr. Baer's complaint of drainage issues on Pawnee Lane following his memorandum dated May 13, 2010. Dale indicated that Tom Wilson would be providing further information during his report.

Casner Sale:

Bruce noted that there were still uncertainties surrounding the sale of Casner's property with respect to the amount of proceeds that the Township would receive. However, he indicated that prior year taxes had been excused and that further details would likely be available within the next 4-5 weeks.

ENGINEER REPORT (Presented by Tom Wilson – see attached)

Tom Wilson of K&W Engineers reviewed the services provided to the Township for the period: 05/01/10-05/28/10 as contained in the Engineer's Report dated June 2, 2010.

Pawnee Road/ Baer Complaint:

Tom noted that he had reviewed prior correspondence and background information related to this issue as well as viewed the site again on June 8, 2010, with Dale Shoop. He then indicated that it was still his position that the private pipe and drainage inlet were Mr. Baer's responsibility since they're located on private property. Chairman Bechtel then noted that per last month's discussion, if in the course of determining whether or not the private pipe and/or inlet are both functioning properly and are properly sized, it is determined by Mr. Baer's Engineer that the Township's pipe and or catch basin are undersized or substandard, the issue could be brought before the board again for further review. With respect to Mr. Baer's inquiry regarding the Township's prior involvement in replacing pipe on private property located within the same subdivision, Solicitor Warshawsky noted that the prevailing circumstances at that time warranted Township action as the Township was addressing rusted pipe contained within the Township's right-of-way. Moreover, because there was a continuous span of pipe between the right-of-way and that of the property owner in question, the Township found itself in the position of having to replace all of the piping, including that contained on private property. Gary Shultz then inquired as to the effect of the debris on Mr. Baer's drainage issues, to which Tom indicated that it was his opinion given the surrounding topography that any impediment to the natural flow of water caused by this debris would result in overflow onto Pawnee Lane, rather than exacerbate the drainage problems on Mr. Baer's property. Discussion ensued. The board then decided to have Secretary Ferguson send a summary letter to Mr. Baer, informing him of the board's position on the issues as outlined above.

ROADMASTER REPORT (Reviewed by Dale Shoop)**Spring Clean-Up:**

Dale noted that the cost of spring clean up this year was \$5,522.50 as compared to the \$5,534.60 last year. In addition, he noted that the Township recovered \$1558 in scrap metal, which the board determined, is to be deposited into the general fund. He then thanked Ken Hoover, Hal Stopfel and Shanemarie Ferguson for volunteering their time and assisting with spring clean-up this year.

Annual Paving Project:

Dale noted that he and the Township Liquid Fuels Representative, Scott Lehman, assessed the condition of the Township roads and they recommend that the following roads be considered for this year's paving project: South end of Hoffman Road from Browns Lane to Powells Valley Road, Ridge Road from Hershey Road to the Township line, Kieffer Road from Dunkle School Road to Baddorf Road and Baddorf Road from Kieffer Road to the Township line. He then indicated that the cost for this project has been estimated to be between \$145,000 and \$156,000 and noted that we have approximately \$183,000 currently available in liquid fuel monies. He then indicated that he would need a motion from the board to advertise for this year's paving project. Carol Eppley then motioned to advertise the proposed paving project as stated and Linda Stopfel seconded the motion. Discussion ensued as to other potential roads to be considered. Dale indicated that while there are other roads in need of paving, the recommended roads are in the worst condition. The vote then carried 5:0.

Office Copier:

Dale indicated that the office copier is in need of replacement and presented the board with a proposal for the purchase of a Sharp MX-C311 at a price of \$4050. Discussion ensued as to whether to consider a lease or purchase option. The board then decided to have Dale and Secretary Ferguson acquire additional proposals with both lease and purchase options for consideration by the board at next month's meeting.

ADMINISTRATIVE

- A. Clarification of Funds to be utilized to purchase backhoe:** Chairman Bechtel noted as a point of clarification that although there had been some discussion last meeting as to the potential use of Comcast Franchise Fees to purchase the backhoe, the motion that carried was to utilize monies from the general fund for this purchase.
- B. Patriot Energy Contract:** Chairman Bechtel noted that the Township signed a 2-year contract with Patriot Energy to secure an electric generation rate of \$.0822/kWh. Carol Eppley then motioned to ratify the 2-year contract with Patriot Energy. Gary Shultz seconded the motion and the vote carried 5:0.
- C. JP Harris – Collection on Outstanding Solicitor and/or Engineering Fees:** Secretary Ferguson noted that following last month's discussion with the board with respect to the outstanding solicitor and/or engineering fees that the Township has been unable to collect on, she contacted JP Harris to see if they would be willing to attempt to collect upon these fees. She indicated that JP Harris was willing to do so for a fee of 25% of all amounts collected. Discussion ensued. Carol Eppley then motioned to turn over the following accounts to JP Harris for collection:
- a. Linda Danner/Arlene Kerstetter Subdivision Plan - \$18.45
 - b. Charles Paulvir - \$338.37
 - c. Katharina Shoop - \$58.32
 - d. Corin & Jennifer Teeters - \$167.31
- Gary Shultz seconded the motion. Linda Stopfel then asked for clarification as to what measures had already been taken in an attempt to collect on these accounts. Secretary Ferguson then noted that Dave Hoover had sent invoices on two separate occasions requesting payment, followed by correspondence from both the former Solicitor and current Solicitor who also requested payment. The motion to turn these accounts over to JP Harris for a fee of 25% of the amount collected then carried 5:0.
- D. Manning's Arrears:** Secretary Ferguson noted that the Manning's still owe \$1769.49 on their arrears and asked the board to give indication as to how they wanted to proceed with collecting on this. Solicitor Warshawsky then noted that under the strict letter of the lease the Manning's were also obligated to pay rent for the month of June, assuming that the board is inclined to pursue these monies. Chairman Bechtel then indicated that while he was not personally concerned with collecting on the June rent, he did feel that the board should follow through with attempting to collect on the arrearages, given that the Township had been gracious enough to utilize funding from resident taxpayers to ensure that the Manning's were not without electric and/or heat. Discussion ensued and the board was in agreement with pursuing payment from the Manning's on their arrears, allowing for a monthly payment of \$250 with the first payment being due at the end of June, and resulting in the balance being paid in full by the end of December 2010. Solicitor Warshawsky was then assigned the task of generating the related correspondence for approval by the board. No motion was required.
- E. Adoption of Dauphin County EOP:** The board elected to postpone discussion of the adoption of Dauphin County's EOP until next month's meeting when Charlie Bisking would be available to present the information to the board.
- F. Attendees for meeting with Tony Sherr/Tobias Litigation:** Chairman Bechtel noted that it had already been decided during the Solicitor's Report that he and Ken Hoover would attend the June 21st meeting.
- G. Attendees for Master Site Plan Meeting:** Chairman Bechtel indicated that the board of supervisors had received an invitation from Jim Eppley to attend the next Master Site Plan Committee. He noted however that there was some concern that attendance by the entire board might result in a violation of the Sunshine Law. Discussion ensued as to whether the meeting would be strictly informational with passive participation from the board. In light of the concerns

about the degree of participation from the board, Solicitor Warshawsky noted that such concerns could be remedied by either advertising the meeting and allowing for public participation or by setting some ground rules to ensure that board participation is limited to passive involvement. Discussion ensued with Chairman Bechtel concluding that he did not want to risk a potential violation of the Sunshine Law by having a quorum attend. The board then decided that in addition to attendance by board supervisor and Master Site Plan Committee member Linda Stopfel, Gary Shultz would also be in attendance as board representation.

OLD BUSINESS

- A. **Park Buildings:** Gary Shultz noted the need for the board to be in a position to make an educated decision as to what is ultimately done with the Park buildings, especially as it pertains to the barn in light of recent discussions about its possible restoration. He then provided a presentation on the structural condition of the barn utilizing pictures taken earlier in the day that were projected so that both the board and the audience were able to view them. He noted that while Carl Dickson was of the opinion that the barn was worth being restored, he was concerned about the feasibility of such a restoration in light of the condition of the barn and the estimated costs of doing so. During his presentation he showcased a number of the barn's supporting beams that in his opinion were not structurally sound as they had succumbed to rot and were themselves being supported with additional boards. He also provided images of the second floor, which he noted appears to have collapsed as well as pictures of the foundation, which he noted appears to be crumbling. He then noted that Alice Trowbridge of Larson Design indicated that the lower level could not be utilized since it is located in the floodplain. With respect to the cost of restoration, he then noted that the most conservative estimate provided to date was \$125K. However, he felt that Center Point Engineering's estimate of \$200K-\$350K for the restoration was likely to be more accurate. Discussion ensued. Linda Stopfel asked that Carl Dickson have the opportunity to come before the board and review the soundness of the condition of the barn, noting that it was his area of expertise, to which Chairman Bechtel agreed. Discussion then ensued between the board and the public in attendance, surrounding a variety of issues including: the potential use of grant monies for restoration, the potential liability that the barn poses to the Township in light of its present condition, as well as the perpetual risk of destruction to any structure located there within the floodplain. Gary Shultz then concluded his presentation noting that it was for informational purposes only and that he did not intend for the board to make a decision that evening.
- B. **Park Cultivation:** Donna Rode noted that the citizens committee established to work towards getting a waiver from DCNR in order to continue farming the park conducted a substantial amount of research in an attempt to make a reasonable case for such an allowance. She then reviewed a historical account of the details leading up to the purchase of the property as surmised from both prior minutes, and related correspondence, stating in summary that the Township had been pressured to purchase the property and was misled in regards to the forthcoming restrictions on land use. Donna then indicated that it was the committee's recommendation that the board submit a written request for a waiver noting that the Township had yet to make such a formal request in writing as required by DCNR. Linda Stopfel noted that requests had already been made in the past to continue farming the property and that DCNR was firm on its position that the Township could no longer do so. Moreover, Linda expressed concern that additional attempts could harm the Township's potential to acquire future funding for the Park. Donna then inquired as to whether or not a written request had been formally submitted. Discussion ensued. Carol Eppley and Linda Stopfel then left amidst the discussion at 9:37PM and 9:40 respectively. Gary Shultz then asked Solicitor Warshawsky to weigh in with respect to whether or not he felt it would be worthwhile to pursue a waiver. Solicitor Warshawsky then indicated that at the very least it would go on record that the board had made a formal attempt to continue farming the property on behalf of the Township. In addition, he indicated that he felt that there were legitimate reasons to pursue the waiver and that it could be written in such a way so as to not be harmful to the Township's ability to acquire future grants for the Park. Discussion ensued. Ken Hoover motioned then to have Solicitor Warshawsky draft the letter for board review. Gary Shultz seconded the motion and the motion carried 3:0.

ANNOUNCEMENTS:

Chairman Bechtel announced the following upcoming meetings/events:

Township Hours: Tuesday, June 15, 2010	9AM-noon
Planning Commission Meeting	July 7, 2010 7PM (Wednesday)
Township BOS Monthly Meeting	July 12, 2010 7PM
VRCP Meeting	July 13, 2010 7PM (Halifax Boro.)

ADJOURNMENT: Ken Hoover motioned to adjourn the meeting at 9:50 PM. Gary Shultz seconded the motion and the vote carried 3:0.

Respectfully submitted,

Shanemarie Ferguson
Township Secretary