

Halifax Township
Board of Supervisors
Monthly Business Meeting
August 9, 2010

Call to Order: Chairman Bechtel called the meeting to order at 7:04 PM.

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

Carolyn Nye indicated that she was video taping the meeting.

Chairman Bechtel then noted that Supervisor Shultz wanted to take the opportunity to establish a mutual understanding of proper meeting conduct before proceeding with the meeting. Discussion ensued as to proper meeting decorum and it was decided that residents will be required to raise their hand before speaking and that any individual who has been recognized by the board to speak shall be allowed to speak without interruption from others, including board members. Similarly, all board members are to be granted the same respect. Gary Shultz then indicated that Solicitor Warshawsky had volunteered to serve as parliamentarian during the meetings. Sol. Warshawsky then noted that as parliamentarian his role would be to provide advice to the Chairman as needed through out the meeting in order to ensure that the meetings proceed in an orderly fashion and to enforce any existing rules, such as those pertaining to public comment period. Furthermore, he indicated that while there is a legal requirement to allow for a public comment period, it does not require a response from the board. Moreover, he noted it also does not grant public commentary on each agenda item, although the board may elect to solicit information from public members who have information that is relevant to the topic if they so choose. Sol. Warshawsky then noted that the debates between citizens that have been occurring is out of order in a public meeting and that the proper lines of communication are those that extend (1) between board members, (2) from the board to the citizens and, (3) from the citizens to the board, when occurring either during public comment period or when solicited or recognized by the board for comment. Sol. Warshawsky then affirmed that it was the intent of the board to allow for general public comment as required, to address, along with any other agency items, those items that are before the board as outlined on the agenda, with a limit of 3 minutes of speaking time. Chairman Bechtel then noted that if it was deemed necessary by the board, items discussed during public comment period could be placed on either that evening's agenda or the upcoming agenda for discussion. Gary Shultz then noted that while accusations that are not business related are out of place, he also noted the need to allow for citizens to express their concerns over any Supervisor conduct that is perceived as detrimental to the business of the Township. Discussion ensued. Solicitor Warshawsky then stated that citizens should have the opportunity to go on record with any legitimate concern that pertains to agency business. He also noted that any item that is extraneous to conducting Township business should neither be aired in a public session nor recorded. Chairman Bechtel then noted that he would like the board to give consideration to the idea of delaying public comment period until after all Township business has been conducted. He stated that this would help to ensure that the board addressed the items on the agenda with a fresh perspective. He then noted that he did not intend for the board to take action on delaying public comment at this time. Gary Shultz then motioned to have Solicitor Warshawsky serve as parliamentarian during the Township meetings. Ken Hoover seconded the motion and the vote carried 5:0.

Public Comment Period:

- A. **Patricia Powley:** thanked the Township for addressing the condition of the entrance-way at the Recycling Center at Deppen Park. Chairman Bechtel noted that Dale Shoop was deserving of her

- gratitude as he volunteered to address it even though the Recycling Center is within the Borough's jurisdiction.
- B. Donna Rode:** declined to comment.
 - C. Jerry Kissinger:** asked to have on record Supervisor Eppley's behavior at last month's meeting, stating that following the adjournment of the meeting she tore up her copy of the picture that he had provided to each of the board members regarding his nuisance complaint and then called him a bully. He then went on to say that she is not representing the interests of all residents and as such does not deserve to be a Supervisor. Carol Eppley then noted for the record that Mr. Kissinger had been less than diplomatic when he approached her, having spewed profanities at her, for which she indicated she would not repeat. Mr. Kissinger then went on to seek guidance from the board as to how to address his neighbor's Mile-a-Minute that is now encroaching onto his property. Chairman Bechtel noted that his issue would be included on the agenda under New Business to be discussed later in the meeting. He then noted that his nuisance complaint related to a vehicle on the same neighbor's property was still being looked into and would likely be addressed at next month's meeting.
 - D. Chris Maichle:** noted that he was present to seek approval from the board for his Eagle Scout project, for which he and his troop would be constructing picnic benches for Ft. Halifax Park if approved. The board then noted their support for Chris' project and thanked him for his intended contribution to the Township.
 - E. Brad Bruner:** declined to comment.
 - F. Flo Mallonee:** declined to comment.
 - G. Bonnie Freeman:** noted that the Friends of Ft. Halifax would be having its next fundraiser on Saturday, October 2nd from 3-7PM. She went on to note that it would be a pig roast in the Park, come rain or shine. In appreciation of the board's support of the Park, she then provided complimentary tickets to each of the board members. Finally, Bonnie noted that additional information could be obtained from the Park's website at: www.forthalifaxpark.org or by sending an email to: friendsofforthalifax@gmail.com.
 - H. Norma Shearer:** complimented Secretary Ferguson on the minutes for the July meeting. She then thanked the board members that were able to participate in the August 4th meeting with Larson Design, DCNR, CPC and Ft. Halifax Park's Master Site Plan Committee, noting that a lot of good information had been shared. She then thanked Chairman Bechtel and Gary Shultz for participating in the field review of the backwoods area of the Park last month. With respect to the young men working in conjunction with the Township to earn their Eagle Scout badge, Norma recommended that the Township submit an article to the Sentinel highlighting both the individual's accomplishment as an Eagle Scout as well as his contribution to the Township. Linda Stopfel noted that she has already been in contact with Duane Good from the Sentinel who will be doing a write up on these individuals. Finally, Norma asked that the board utilize their microphones when speaking, noting that it is often difficult to hear their discussion when seated in the audience.

SECRETARY REPORT

Chairman Bechtel noted that in the July 12, 2010 minutes, under public comment period, Jim Long Junior had been incorrectly noted as Jim Long Senior. Ken Hoover then motioned to accept the July 12, 2010 minutes as presented, given correction to Mr. Long's suffix as noted by Chairman Bechtel. Linda Stopfel seconded the motion and the motion carried 5:0.

TREASURER REPORT (see attached)

Paid Interim Bills & Unpaid Current Bills:

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

Carol Eppley motioned to approve the unpaid bills as presented. Gary Shultz seconded the motion and the motion carried 5:0.

Financial Report: Chairman Bechtel noted that the July 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 June and July for the board's review.

PLANNING COMMISSION REPORT (Presented by PC Chairman Fred Ford)

Fred Ford noted that there was no official business before the Planning Commission at the August 2, 2010 meeting. He then noted that the Planning Commission members reviewed Section 4 of the SALDO. Finally, Mr. Ford indicated that it was the intent of the Planning Commission to review Section 5 of the SALDO at its September meeting.

SOLICITOR REPORT (Presented by Bruce Warshawsky – see attached) –

Bruce Warshawsky noted his submission of his monthly report dated August 5, 2010, for consideration by the Board. He then reviewed the following items:

OTHER MATTERS:

RRMHP – Outstanding Plan Fees:

Bruce indicated that he had not received a response to his collection letter dated July 20, 2010, which demanded payment of the outstanding engineering and/or legal fees totaling \$5317.20 on or before August 9, 2010 from Mr. Bistline. Bruce then asked the board for direction with respect to any further action to be taken. Discussion ensued. The board then agreed to have Chairman Bechtel contact Mike Bistline to discuss this matter with him personally. Bruce then noted the need for the board to follow-up on this issue at next month's meeting.

Pawnee Lane/Baer Complaint:

Bruce noted that while there had been some uncertainty surrounding the mailing address of Gary and Donald Lenker, they were now in receipt of the pre-nuisance letter regarding the debris on Pawnee Lane and indicated that they would be contacting Roadmaster, Dale Shoop this week to schedule a time to meet with him to review the situation. Discussion ensued. Dale Shoop then requested that a Supervisor be present as well, to which both Chairman Bechtel and Ken Hoover agreed to attend. Mr. Baer then indicated that he would like to attend the meeting as well. In addition, he asked if the standard timeline by which to comply under the Nuisance Ordinance would still apply. Solicitor Warshawsky noted that if the response by Mr. Lenker and/or Mr. Campbell were to be deemed unsatisfactory by the board, it would decide upon a further course of action to take at the next meeting. Otherwise, he noted the board would simply report on the progress made.

NUISANCES:

David Scheidler at 2859-A Mountain Road:

Bruce noted that the Scheidler nuisance matter will be presided over by Magisterial District Justice Johnson who will ultimately determine whether or not Mr. Scheidler is in violation of the Township's Nuisance Ordinance and the corresponding remedy, if any. Bruce then noted that it is unlikely that this issue will be heard prior to next month's meeting.

LITIGATION:

Tobias v. Halifax Township:

Bruce noted that Township representation Tony Sherr was not able to have the trial date postponed for the Tobias litigation and that to date it is scheduled to be tried on August 23, 2010. Bruce also indicated that Tony Sherr had recommended that all board members attend if possible.

ENGINEER REPORT (Presented by Justin Kuhn – see attached)

Justin Kuhn of K&W Engineers reviewed the services provided to the Township for the period: 06/26/10-07/30/10 as contained in the Engineer's Report dated August 4, 2010. No action was required by the board.

ROADMASTER REPORT (Presented by Dale Shoop)

2010 Paving Project:

Dale noted that 2010 paving project, including the line painting, was complete and that the actual cost to the Township would be \$7,000 less than estimated. In addition, he noted that liquid fuel monies would be utilized for both the paving and the line painting.

Volunteers to Help Maintain the Park:

Dale noted that there were individuals who had expressed a willingness to donate their time to assist him with the mowing and maintenance of the Park grounds. Moreover, he noted that the Township's insurance agent, Tom Troutman indicated that he saw no reason why such individuals should not be allowed to utilize the Township's equipment for these purposes. Dale then asked that he be granted latitude in determining when to utilize these volunteers for such purposes, to which the board agreed. Sol. Warshawsky then noted that this was an administrative action that did not require a motion from the board.

John Heim/HOP for Fuhrman Road:

Dale noted that he and Mr. Heim would be meeting with a PennDOT representative tomorrow to discuss Mr. Heim's application for an HOP for Fuhrman Road. Discussion ensued but no action was taken.

Occupancy Permit for Municipal Building:

Dale noted that the Township was in need of obtaining an occupancy permit for their meeting room. In addition, he noted that all the work required to bring the room up to code had been completed and that he simply needed the board to establish the room capacity and approve the \$204 application/inspection fee required by Labor and Industry. Furthermore, he noted that based on square footage, the set capacity could not be greater than 100 people. Discussion ensued as to the capacity of the room, given both safety concerns as well as the need to potentially accommodate a larger crowd. Linda Stopfel then motioned to allow Dale to acquire an occupancy permit and to set the room's capacity at 75 people. Gary Shultz seconded the motion and the motion carried 5:0.

Buffalo Park Road:

Dale noted that Ms. Matter has expressed interest in donating a parcel of land that she owns to the Township which could allow for Park access via Buffalo Park Road. Bill Krenz, who is on the Park's Master Site Plan Committee then noted that he had been in discussions with Ms. Matter about the possible donation of this parcel of land and that he would know within a week or so the specifics surrounding this donation. Jim Eppley then noted that the Township may not want to take immediate possession of the parcel, noting that the value of the land could be utilized as matching funds towards a grant if the Township times their acquisition of this land to coincide with the matching fund requirements of a future grant. Discussion ensued. Gary Shultz then noted that by allowing another organization to take temporary possession of this parcel, it could serve not only as a potential source of matching funds, but also as a means by which to create access to the Park, noting that the holding entity can not be landlocked and would thereby have the right to secure access. Bonnie Freeman, President of Friends of Ft. Halifax Park (FOFHP) then indicated that FOFHP would be willing to take temporary possession of this parcel if the Board so desired. Gary then indicated the need to have Sol. Warshawsky research this further to determine the best means by which to proceed with this. Bill Krenz then noted that it was premature to involve the Township Solicitor at this time until he had further opportunity to explore these possibilities with Ms. Matter herself. He then noted that he would relay this information to the board. Chairman Bechtel then thanked Mr. Krenz for contacting Ms. Matter to facilitate these discussions.

Park Cat:

Dale then noted that there was a friendly orange cat at the Park that is in need of a home. He then indicated that he would be willing to help catch it if someone was interested in having it as a pet.

ADMINISTRATIVE

- A. Interim Motion for PennDOT Attendees:** Chairman Bechtel noted that Tom Wilson contacted him after last month's meeting indicating the need for board attendance at the August 5th meeting with PennDOT to discuss right-of-way issues at the 225/147 traffic light. He then noted that the board made an interim decision to allow for he and Ken Hoover to attend, for which approval was given by 3 of the Supervisors.
- B. PennDOT Snow Removal Agreement:** Dale Shoop noted that the PennDOT snow removal agreement pertaining to the plowing of Powells Valley Road during the winter season is up for renewal. He then noted that that annual amount for the 2010-2011 winter season had been increased to \$3,840. Ken Hoover then motioned to approve the agreement. Carol Eppley seconded the motion. Discussion ensued. The vote then carried 5:0.
- C. Powells Creek Water Quality Protection Resolution:** Solicitor Warshawsky noted that he had generated a resolution for board consideration in support of a petition to be submitted to DEP by Twin Valley Conservation, requesting a stream designation upgrade for Powells Creek as discussed at the last meeting. Gary Shultz motioned to adopt the resolution as presented. Carol Eppley seconded the motion and the motion carried 5:0.
- D. EOP Resolution:** Solicitor Warshawsky noted that following the board's decision to adopt Dauphin County's EOP last month, he generated a corresponding resolution and promulgation for the official adoption of DC's EOP for board consideration. Ken Hoover then motioned to approve the resolution and promulgation as presented. Linda Stopfel seconded the motion and the vote carried 5:0.
- E. Civil War Sesquicentennial:** Chairman Bechtel noted that the Township had received correspondence from Dauphin County Commissioners requesting a representative from our municipality to participate as a member of the Planning Committee for the upcoming events surrounding the 150th anniversary of the Civil War. Discussion ensued. Chairman Bechtel then asked Bonnie Freeman if she would like to serve as the representative to which she agreed.
- F. HARA Budget Meeting Attendees:** Chairman Bechtel noted that per HARA's by-laws, their August meeting is to be a joint meeting of all authority members and representatives from each member municipality for the purpose of developing and/or reviewing HARA's 2011 budget figures. He then noted that while it was a public meeting available for all supervisors to attend, he wanted to be sure that there would be Township representation in order to establish an appropriate funding level for next year. Sol. Warshawsky noted that in the event of a quorum, it would be most prudent to not participate in discussions that would serve as a precursor to making decisions relative to agency business. Gary Shultz then indicated that he would be willing to attend.

OLD BUSINESS

- A. Harn Nuisance:** Solicitor Warshawsky noted that for some unknown reason the Harn's converted their Chapter 7 bankruptcy to a Chapter 13. He then went on to note that the significance of this conversion was that the Township was now entitled to submit a proof of claim to the bankruptcy court for possible reimbursement of some or all of the \$11,177.30 owed to the Township as of May 5, 2010, the date on which the Harn's filed for bankruptcy. Bruce then asked the board to give indication as to whether or not they wanted him to proceed with filing the proof of claim. Discussion ensued. Linda Stopfel then motioned to have Bruce proceed with the proof of claim. Carol Eppley seconded the motion and the vote carried 5:0.
- B. Ken Masser's Inquiries Re: Water Run-Off:** Solicitor Warshawsky noted that the executed agreement dated 05/19/09 between DONCO and HAWASA has no apparent relevance to Mr. Masser's issue as it pertains to the excess water coming from the water tower. Chairman Bechtel then noted that based upon the meeting he had with Mr. Masser to review his issues, Mr. Masser appeared to be more concerned with the potential impact that DONCO's proposed development might have on his property than he is with the excess water run-off from the water tower. Moreover, Chairman Bechtel noted that Mr. Masser wants his concerns about the

potential impact to his property to be adequately addressed when giving consideration to the final approval of DONCO's Plan. Discussion ensued. Jim Eppley then noted that the water breakers that were installed during the installation of the road appear to have been incorrectly positioned and if corrected would likely alleviate some of his problem. Mike Sweigard then asked if the Township was going to address the additional run-off on Mr. Masser's property that currently exists. Sol. Warshawsky noted that the water authority would be responsible for taking action on this issue since they own the property on which the run-off is being produced. Moreover, he noted that since Mr. Masser is not asking the Township to take action on this issue at this time and because there is no threat to public safety, health or welfare, the Township is not required to take action.

- C. **Laptop for EMC:** Linda Stopfel indicated that she had researched potential funding and purchasing alternatives for a laptop for the EMC in order to save money for the Township with no success. However, she did note that the price of laptops has gone down significantly and that NAS, a local distributor, indicated that a suitable laptop would cost approximately \$650. Discussion ensued. EMC, Charlie Bisking then indicated that he would be willing to secure a quote from NAS with the software and hardware items that he would need and bring it to the next meeting for board approval. Charlie then noted that all NIMS testing must be completed by the board prior to August 30, 2010 to ensure that the Township is eligible for potential grant funding in the event of a qualifying emergency.
- D. **Barn Clean-Up Date:** Gary Shultz noted that a completion date for the barn clean up had not been established and indicated his preference to have it completed before we enter into the cold-weather season. Linda Stopfel then noted that Carl Dickson had indicated that he was waiting for the temperatures to drop somewhat before scheduling the clean-up, but that it would be done no later than the end of October.
- E. **Combined Clean Out of Park Rental Units:** Linda Stopfel then noted that Carl Dickson had also offered to provide the use of prisoners to clean out the 2 rental units at the Park as well, given that the Township would provide the dumpster for the remnants to be discarded from those units. Discussion ensued. Linda Stopfel then motioned to provide for the dumpster and to allow the prisoners to clean out these units. Carol Eppley seconded the motion. Dale Shoop then indicated the need to have the carpet removed from the Farmhouse immediately and offered to remove it given board approval to rent the dumpster now, noting that dumpster fees were based on tonnage and not on the number of days used, to which the board agreed. The vote then carried 5:0.
- F. **Park Buildings:** Gary Shultz noted that to date there has been no discussion as to what to do with the Yeager building since Mr. Yeager has vacated it. Discussion ensued. The board then agreed to have Secretary Ferguson research the potential use of a property management company to handle all rental related responsibilities on behalf of the Township.
- G. **Ethics Policy:** Gary Shultz reiterated his interest in developing and implementing an ethics policy for which all Township representatives would be required to adhere. However, he noted the need to see if there was a desire from the rest of the board to move forward with this kind of policy. Discussion ensued. The board then agreed to have Secretary Ferguson contact both PSAT's and other local municipalities to obtain copies of sample policies for board consideration.

NEW BUSINESS

- A. **Ft. Halifax Park – August 4, 2010 Meeting Update:** Gary Shultz noted that at the August 4th meeting with Larson Design, DCNR and CPC, Alice Trowbridge from Larson Design reviewed the Park development plans to date and he indicated that he was pleased with the direction they were taking. Gary then noted that while the Township had notified DCNR of its desire to discuss the possibility of continuing to farm the Park during this meeting, Monica Hoffman from DCNR indicated that their legal counsel was still reviewing the issue and therefore they were not in a position to comment at that time. With respect to alternative funding for future development and maintenance of the Park, Gary indicated that DCNR and CPC had expressed confidence in both the future availability of funding, as well as a willingness to assist the Township in securing such funding if needed. Gary then noted that there will be a public

meeting in early October (the date has yet to be determined) with Larson Design, DCNR and CPC and he encouraged the public to attend, noting that it would be an opportunity to have any questions and/or concerns addressed. He then noted that the meeting would be advertised, and as such advance notice would be given as to the exact date, time and location.

- B. Signal at 147/225 – August 5, 2010 Meeting Update:** Chairman Bechtel noted that he, Ken Hoover, Sol. Warshawsky, and Engineers Tom Wilson and Kevin Burke from K&W Engineers met with PennDOT representatives to discuss right-of-way issues related to the current positioning of the traffic signal at Route 147/225. Sol. Warshawsky noted that the catalyst to this discussion was PennDOT's refusal to approve Halifax Commons HOP for improvements to this intersection at this time, stating that the signal was located outside of public right-of-way on private property. Sol. Warshawsky then went on to state that the installation of the traffic signal was a PennDOT project, aimed at controlling traffic as a result of changes to Route 322. Moreover, he noted that the Township's involvement was limited to assisting with securing a contractor to do the physical installation of the signal as based on PennDOT's plans. Sol. Warshawsky then noted that PennDOT's tentative position at the meeting was that they would need to review their files to determine how it came to be that the signal was placed on private property as they had not done so prior to the meeting. However, he noted that they did indicate that this issue should not be an impediment to any rightful progress as it pertains to Halifax Commons approval for an HOP. Sol. Warshawsky then noted that a condemnation proceeding under eminent domain would likely be required with the party responsible for both the condemnation proceedings and the restitution to be determined. Linda Stopfel then inquired of the recent law that protects condemnation of properties by a private enterprise. Sol. Warshawsky then reiterated that the genesis of this issue stemmed from a PennDOT project and not from a private developer and thus, the issue of concern was not whether or not the property could be condemned but whether PennDOT or the Township would be responsible for it. Chairman Bechtel then noted that the Township was awaiting a response from PennDOT following a review of its files.
- C. Resolution re: Anti-Township Legislation/House Bill 2431/Senate Bill 1357:** Carol Eppley noted that the board recently received correspondence regarding House Bill 2431 and Senate Bill 1357, encouraging local municipalities to denounce support of the movement to consolidate local municipalities and/or institute county oversight. Discussion ensued. Linda Stopfel then noted that the deadline by which to voice formal opposition to this movement by way of resolution had already passed.
- D. Kissinger Mile-a-Minute Complaint:** Chairman Bechtel noted that during public comment period Mr. Kissinger had requested advice from the Township with respect to how to address his neighbor's Mile-a-Minute plant that is now encroaching upon his property as well. Discussion ensued. The board then decided to have Dale Shoop meet with Mr. Masser personally to notify him of Mr. Kissinger's concern and to attempt to reach some sort of amicable resolution.

ANNOUNCEMENTS:

Chairman Bechtel announced the following upcoming meetings/events:

Planning Commission Meeting	September 8, 2010 7PM (Wed)
Township BOS Monthly Meeting	September 13, 2010 7PM

ADJOURNMENT: Ken Hoover motioned to adjourn the meeting at 10:03 PM. Linda Stopfel seconded the motion and the motion carried 5:0.

Respectfully submitted,
Shanemarie Ferguson, Township Secretary