

**Halifax Township**  
**Board of Supervisors**  
**Monthly Business Meeting**  
**October 11, 2010**

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

**Roll Call:** Supervisors Ken Bechtel, Linda Stopfel, Gary Shultz, and Ken Hoover were present. Supervisor Carol Eppley was unable to attend. 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 Monday, September 27<sup>th</sup> from 12:10PM-1:26PM to discuss DONCO litigation matters. Moreover, he indicated that the full board was in attendance (Gary Shultz attending via teleconference from 12:10PM-1:00PM), along with Township Solicitor, Bruce Warshawsky and Township Engineer, Tom Wilson. Finally he noted that there was unanimous consent by the board to continue negotiations with DONCO.

**Public Comment Period:**

- A. **Kenneth Masser:** inquired as to whether or not the board had a response to the questions he posed previously as it pertained to water run-off from Lenker Estates Development. Chairman Bechtel indicated that some of his inquiries were the subject of discussion under the DONCO litigation matter and accordingly, could not be answered at this time. However, he noted that the Township could provide a written response to those items for which it was in the position to answer if Mr. Masser so desired. Mr. Masser then indicated that he would appreciate such a response.
- B. **Flo Mallonee:** declined to comment.
- C. **Norma Shearer:** reported that the Friends of Ft. Halifax Park Pig Roast had been very successful. She then thanked those present at the meeting who attended the event along with Dale Shoop for his efforts in getting the Park ready for the Pig Roast.

**SECRETARY REPORT**

Chairman Bechtel noted that the September 13, 2010 minutes had been presented for approval. Ken Hoover then motioned to accept the September 13, 2010 minutes as presented. Linda Stopfel seconded the motion and the motion carried 4:0.

**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 4:0.

**Unpaid Current Bills:**

Ken Hoover motioned to approve for payment the unpaid bills as presented. Gary Shultz seconded the motion and the motion carried 4:0.

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

**SEO REPORT:**

Chairman Bechtel indicated that Mike Brown had not yet submitted an SEO report for the month of September.

**SEO Investigation of Confirmed Malfunctions:** Chairman Bechtel indicated that he had contacted Mike Brown as discussed at last month's meeting to see why he had yet to investigate the approximate 29 confirmed malfunctions (identified by K&W during work on the 537 Plan update), as requested by the former board. He noted that Mike indicated that since the 537 Plan update had been tabled, he assumed that the board did not want him to proceed with the investigations. Chairman Bechtel then noted that the motion to have Mike Brown investigate these malfunctions occurred after the 537 Plan update had been tabled, thus indicating that it had been the former board's intention to have him proceed nonetheless. Chairman Bechtel then indicated that while Mike Brown was willing to conduct the investigations, he stated that the charge to the Township would be \$200 for each investigation. Accordingly, Chairman Bechtel asked if it was still the board's desire to proceed in this fashion. Discussion ensued. Gary Shultz indicated that he was not comfortable with the idea of utilizing taxpayer monies to investigate these confirmed malfunctions, noting that the financial responsibility should fall on the homeowner. Chairman Bechtel noted that the Township was made aware of most if not of all the confirmed malfunctions by way of survey response, in which the landowner acknowledged potential issues that were then classified by Justin Kuhn of K&W as confirmed malfunctions. He then went on to note that (1) the landowner had not been notified of having a confirmed malfunction and (2) there is some question as to whether or not each of these have been properly identified as a confirmed malfunction under DEP's standards. Finally, Chairman Bechtel noted that because the Township's former board had put forth the request to have the SEO investigate the confirmed malfunctions, the Township would be responsible for the corresponding investigation fees, but not any permitting or repair fees. Further discussion ensued. The board then decided to have Secretary Ferguson generate and send a letter to those individuals identified as having a confirmed malfunction, asking them to provide written indication (within 2 weeks from receipt of the letter) as to whether or not they had taken any measures to resolve the noted malfunction. Ken Hoover then motioned to postpone any investigations by Mike Brown until the Township had received responses from these individuals and it could be determined more accurately whether or not further investigation was warranted. Linda Stopfel seconded the motion and the motion carried 4:0.

**Response Letter to DEP regarding 537 Plan Update:** Linda Stopfel noted that when she had made the former motion to table the 537 Plan update, the basis of her decision stemmed from the additional financial burden that the implementation of the updated Plan would create for Township residents at a time when general economic conditions were poor. Moreover, she noted that since we have yet to see better economic times, she is not in favor of moving forward with the update at this time. Discussion ensued as to whether or not an investigation of the confirmed malfunctions would suffice for DEP at this time. Gary Shultz indicated that DEP would eventually require the Township take the necessary measures in updating the 537 Plan and noted his preference for being proactive in doing so. Linda Stopfel then suggested that by virtue of the significant progress and expenditures made to date by the Township on an updated 537 Plan, DEP must recognize that the Township is operating in good faith, yet cannot justify moving any further ahead on the Plan at this time given the economic implications to the residents and the Township. Discussion then ensued as to the specific response to be made to DEP. The board then agreed to have Secretary Ferguson generate a letter to DEP confirming that the Township: (1) received their letter, (2) will be taking action to confirm any problems and address them as necessary and (3) will respond at a later date with additional information when in the position to do so.

**PLANNING COMMISSION REPORT (Presented by PC Chairman Fred Ford)**

Fred Ford noted that at the October 4, 2010 Planning Commission meeting, the Planning Commission members provided Mr. and Mrs. Michael Lebo with information relevant to a proposed subdivision as requested.

He also noted that while the Planning Commission was going to recommend that the Board of Supervisors seek an extension of the implementation date for the Stormwater Management Plan, they have since learned that extensions are not going to be granted.

Fred then noted that the Planning Commission had continued their review of Section 5: Design Standards of the SALDO for potential modifications.

Finally, Fred noted that the first SALDO review workshop would be held on Monday, October 18<sup>th</sup> at 7PM at the municipal building.

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

Bruce Warshawsky noted his submission of his monthly report dated October 7, 2010, for consideration by the Board. He then reviewed the following items:

**Nuisances:**

**David Scheidler at 2859-A Mountain Road:** Solicitor Warshawsky noted that the Scheidler hearing is to be held October 21<sup>st</sup>, at 10AM. In addition, he noted that an inspection of Mr. Scheidler's property would need to be done by Dale prior to the hearing to establish the current condition of the property. Moreover, he noted that Dale would be accompanying him to the hearing.

**Other Matters:**

**Manning Lease issue:** Bruce noted that the 30-day appeal period for the Manning judgment has expired. He also noted that he would be checking with the court tomorrow to see if an appeal had been filed. He then noted that if the Manning's did not file an appeal he would proceed with collection efforts including transferring the claim to York County where they currently reside unless directed otherwise by the board.

**SALDO Changes:** Solicitor Warshawsky indicated that the SALDO was unique in that any revisions to it will require advertisement of a reasonable summary of the full text, if not the full text, along with a public hearing. Therefore, he suggested that the Township consider timing the floodplain and stormwater management revisions along with any other substantive revisions that are currently being worked on so as to minimize the required number of advertisements and public hearings. Tom Wilson noted that the stormwater management revisions would need to be implemented by 12/25/10 as mandated by DEP. In addition, he noted that the Township could not proceed with the implementation of the floodplain revisions until it received a letter of determination from FEMA which could take some time. Thus, he noted that there were timing issues that would prevent a single release of an updated SALDO containing all of the revisions that are currently under way.

Solicitor Warshawsky then noted that while he had provided a fee proposal to the Township to review the draft wind energy ordinance, he suggested that consideration be given to integrating it into a comprehensive SALDO, as opposed to a stand-alone ordinance to which the board agreed. Gary Shultz then indicated that he would prefer to see a more broadly defined section on alternative energy sources, noting that the Township should be prepared to address other forms of energy that will likely surface over time. Discussion ensued as to how to reasonably integrate alternative energy sources into the SALDO. Solicitor Warshawsky then noted that all of the necessary changes to the SALDO (i.e. those pertaining to stormwater management and floodplains) should be given priority and worked through first.

**ENGINEER REPORT** (Presented by Tom Wilson – see attached)

Tom Wilson of K&W Engineers reviewed the services provided to the Township for the period: 08/28/10-09/24/10 as contained in the Engineer's Report dated September 30, 2010. No action was required by the board.

**ROADMASTER REPORT** (Presented by Dale Shoop)

**Nuisance Complaint – 1021-A North River Road:**

Dale indicated that he had received a written complaint from a resident regarding a neighbor's property located at 1021 A North River Road, on which an excessive amount of vehicles are being stored. Dale then noted that he had investigated the complaint and indicated that approximately 30 vehicles were being stored at this property. Chairman Bechtel then indicated that he was familiar with this property and also attested to the number of vehicles being stored there. Linda Stopfel motioned to send a nuisance letter to the property owner regarding these vehicles. Gary Shultz seconded the motion and the motion carried 4:0.

**Exterminator for Park Rental Units:** Dale noted that the rental units at the Park were full of spiders and asked the board to give consideration to utilizing an exterminator to spray both the inside and outside of these two buildings. He then noted that the Township's current exterminator, Hillcrest Pest Control, provided an estimate of \$350 to come out and do the initial extermination. Discussion ensued. Linda Stopfel then motioned to approve the use of Hillcrest Pest Control to perform the initial exterminating services at these buildings for a fee of \$350. Gary Shultz seconded the motion and the motion carried 3:1 with Chairman Bechtel opposing it.

**Update on Baer/Pawnee Lane Complaint:** Dale noted that Mr. Baer's concerns regarding potential drainage issues stemming from debris on Pawnee Lane should be resolved, as the debris has been moved. Ken Hoover then noted that he visited the site earlier in the day and confirmed that water is in fact able to access the pipe.

**Park Bench Labels:** Supervisor Stopfel thanked Brad Bruner for his generosity in providing the Township with labels for the park benches that were recently donated to the Township by prospective Eagle Scout, Darren Mauser, Jr. She then asked Dale to coordinate with the Mauser's and Duane Good of the Sentinel, noting that Duane wanted to do a story on the prospective Eagle Scout and his project.

## ADMINISTRATIVE

- A. Fire Department Support Letter for Grant Money:** Chairman Bechtel noted that the Fire Department had applied for a grant (funded by casino money) for the purchase of a new fire truck and was seeking endorsement from the municipalities that it serves, including Halifax Township. Chairman Bechtel then noted that the Fire Department had already drafted the endorsement letter and had provided it to the board for signature. The board members indicated that they had no objections to endorsing the grant. Chairman Bechtel then signed off on the letter as the Township's representative. No motion was required.
- B. Approval for attendance at 2010 Fall Planners Seminar and SALDO Review:** Secretary Ferguson indicated that some of the Planning Commission members had expressed an interest in attending the 2010 Fall Planner's Seminar (\$75/person) and/or PSAB's SALDO review course (\$95/person). She then asked for the board's approval to pay for them to attend. Linda Stopfel motioned to provide payment for one or both of the meetings for any Planning Commission member interested in attending. Ken Hoover seconded the motion. Discussion ensued as to whether or not there should be reimbursement for mileage. Sol. Warshawsky noted that it would be appropriate to do so. The vote then carried 4:0.
- C. Fire Relief Distribution:** Chairman Bechtel noted that the Township had received Fire Relief Distribution monies in the amount of \$23,886.51. He then noted that Secretary Ferguson had spoken with the Halifax Area Ambulance Association regarding the distribution and they indicated that all of the fire relief distribution monies should be given to the Fire Department until notified otherwise. Solicitor Warshawsky then noted that the distribution of the fire relief monies is an administrative action that does not require board approval.
- D. DC Conservation District Board of Directors Vacancy Nomination:** Chairman Bechtel noted that the Township received notification in the mail of a board of directors' vacancy for the DC Conservation District. He also noted that the current incumbent was seeking to be reappointed and would likely remain in the position. However, he inquired as to whether or not the board wanted to nominate anyone for this vacancy. No nominations were put forth.
- E. Approval of Delinquent Tax Collector:** Chairman Bechtel indicated that the school district would likely be utilizing JP Harris again next year for delinquent tax collections and asked the

board to give consideration to reappointing them in 2011 as well. Gary Shultz motioned to reappoint JP Harris for delinquent tax collections in 2011 (assuming their reappointment by the school). Ken Hoover seconded the motion and the vote carried 4:0.

- F. Executive Session:** Chairman Bechtel noted that an executive session would need to be held prior to the completion of the 2011 budget to discuss employee compensation. The board agreed to have Secretary Ferguson coordinate a meeting time by way of email.

## **OLD BUSINESS**

- A. Wind Turbine Ordinance:** Chairman Bechtel noted that this issue had been discussed during the Solicitor's report (see discussion under SOLICITOR REPORT - SALDO changes).
- B. Park Rental Units:** Chairman Bechtel noted that at the last meeting he had agreed to meet with Howard Bahner to determine the extent of repairs needed to get the park units into rentable condition and to get an estimate of cost for those repairs. He then noted that he and Dale had toured the rental units with Mr. Bahner to go over the needed repairs. In addition, he noted that Mr. Bahner had quoted the Township a price of \$8,885 to perform the repairs to the brick house and a price of \$11,368 to perform the repairs to the farmhouse. Linda Stopfel then indicated that the Park Fund should have ample monies available to perform the repairs on both houses. Chairman Bechtel then noted that the balance in the Park Fund as of 09/30/10 was \$9582.40 and as such would only cover the cost of repairs for the brick house. Linda then suggested that while the rental income generated from the Park had been earmarked exclusively for Park repairs and maintenance, she felt that the accuracy of the amount of money shown in the Park Fund was questionable, given that the prior treasurer had not separated out these monies from the general fund from the beginning. Chairman Bechtel then indicated that because no one had questioned the accuracy of the accounting of these funds formerly, the board is now left to assume the accuracy of the prior Treasurer's records and move forward with the figures before them. Linda then suggested that the board perform repairs on one of the units, so that the Township could begin earning rental monies again. The board then agreed that the brick house would be the wisest investment at this time in terms of going ahead with repairs and getting it into rentable condition. Gary Shultz then noted that the brick house's septic system consisted of a small holding tank that would require frequent pumping. Discussion ensued as to possible alternative systems including connecting the brick house to the new septic system that had been installed for the farmhouse. Gary Shultz then motioned to contact Mike Brown to have him look into the feasibility of this. Linda Stopfel seconded the motion. Norma Shearer then inquired as to whether or not this would require the farmhouse to be disconnected from the system to which Gary indicated that it would. Linda then withdrew her motion stating that was not part of her understanding and noted that she would rather install another septic system. Gary then indicated that it was the most practical and cost effective way of establishing a fully functioning, and marketable rental unit at this time, since there are not enough monies to install another septic system. Ken Hoover then seconded Gary's original motion. Chairman Bechtel then indicated that while he also agreed that the brick house was the most marketable of the units and thus should be the point of focus, he suggested that it would be of no harm to also have Mike give indication as to what he thought would be required to install another septic system while he is there. Linda then indicated that she was in agreement with the motion if the board was willing to gather a fuller picture from Mike and at least explore the possibility of another septic system. Gary then indicated that he had no objections to Mike providing this additional information for possible future consideration. The vote then carried 4:0. Chairman Bechtel then inquired as to whether or not the board wanted to move forward at this time with the repairs. The board then agreed that the information about the septic systems should be gathered first.
- C. Act 537-Response to DEP:** Chairman Bechtel noted that this issue had been discussed earlier (see discussion under SEO REPORT).
- D. DONCO Litigation:** Solicitor Warshawsky noted that Chairman Bechtel had already made the relevant announcement as it pertained to DONCO litigation at the start of the meeting.
- E. Masser Nuisance Complaint:** Solicitor Warshawsky noted that the Township sent a nuisance letter to Ken Masser on 09/22/10 regarding the apparent abandoned or junked vehicle located on

his property. He then noted that Mr. Masser had until the following day to comply. He then asked Dale to provide a status update. Dale indicated that while the car had not been removed Mr. Masser was present to discuss the issue. Chairman Bechtel then provided Mr. Masser with an opportunity to respond. Mr. Masser noted that he needed clarification as to what is meant by a restoration plan, along with whether or not registering the vehicle would suffice. Solicitor Warshawsky then noted that if a vehicle is not registered and there is no intent to restore it, then it would constitute a junked or abandoned vehicle. With respect to whether or not having the vehicle registered would suffice, Solicitor Warshawsky noted that the vehicle would still need to be road worthy or at least have the prospect of some day being road worthy. Discussion ensued. Ken Masser then inquired as to whether or not an enclosure would suffice. Solicitor Warshawsky noted that proper sheltering or a proper enclosure would abate the nuisance and eliminate the need for enforcement. Mr. Masser then asked how long he would have to install a proper fence. The board then agreed to give him 30 days to install fencing sufficient in nature to prevent the vehicle from being a further visual nuisance. Solicitor Warshawsky then noted that he would hold off on any enforcement action at this time but recommended that this issue be placed on next month's agenda to ensure compliance or begin enforcement action if necessary.

Jerry Kissinger then inquired of Mr. Masser's mile-a-minute weed, stating that he had not adequately sprayed. Mr. Masser noted that he had sprayed along the SW corner of his property as well as all along the entire length of their shared property line. Mr. Kissinger continued to insist that Mr. Masser had not adequately addressed the mile-a-minute that is encroaching onto his property. Chairman Bechtel then indicated that he and Dale Shoop would meet with Mr. Masser at the property to determine if more needs to be done and provide Mr. Kissinger with an update accordingly.

- F. **RRMHP-Bistline:** Solicitor Warshawsky noted that Mike Bistline of RRMHP was going to see if he could locate anything in his personal files that would support his claim that the Township required a private sewer system. Bruce then noted that Mike did not provide any such evidence and accordingly Mr. Bistline would be financially responsible for any additional review fees. Bruce then noted that Tom Wilson had completed a review of the DEP module and found the module to be sufficient. However, Bruce noted that there were other contingencies that would need to be satisfied before the Plan could be recorded, including work that would require an extension of the easements, of which the applicant had been made aware. Tom Wilson then noted that the applicant's Engineer had presented Secretary Ferguson with the DEP module and advised the board that it was ready for signature.

## NEW BUSINESS

- A. **Twin Valley Lions Club (TVLC) Donation Request:** Chairman Bechtel noted that the TVLC had submitted a donation request for their upcoming Halloween Parade. Linda Stopfel noted that to date the Township had only used \$800 of the \$3000 that had been budgeted for 2010 donations. She then motioned to donate \$250 to TVLC in support of their Halloween Parade. Gary Shultz seconded the motion and the motion carried 4:0.
- B. **Valleys Regional Comp Plan Meeting Advertisement:** Chairman Bechtel inquired as to whether or not the board wanted to send postcards to Township residents inviting them to attend the last public VRCP meeting (Oct. 26<sup>th</sup>), noting that the former board had sent them out last year to encourage residents to attend the initial meetings and provide input relative to regional development. He then noted that Secretary Ferguson had researched the associated printing and postage costs and indicated that it would cost approximately \$470 for the mailing. Linda Stopfel motioned to approve the mailing and the associated costs. Gary Shultz seconded the motion and the motion carried 4:0. The board then asked Secretary Ferguson to submit an article to the Sentinel as well, outlining the details of the event.
- C. **Start Date for newly appointed EIT tax collection agency:** Chairman Bechtel noted that while Berkheimer is scheduled to begin earned income tax collections January 1<sup>st</sup> of 2012 (assuming finalization of the contract), there has been recent discussion by the school and other local municipalities about moving this start date up one year to January 1<sup>st</sup> of 2011. Chairman Bechtel then indicated that there appears to be the common consent that the decision to

implement the change a year earlier should be unanimous so as to minimize confusion. Discussion ensued. Linda Stopfel then motioned to follow suit with the school district's decision as to the start date of Berkheimer. Ken Hoover seconded the motion and the vote carried 4:0.

**ANNOUNCEMENTS:**

Chairman Bechtel announced the following upcoming meetings/events:

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| Planning Commission Workshop            | October 18, 2010 7PM  |
| Master Site Plan Meeting                | October 25, 2010 7PM Halifax H/S Cafeteria (doors open at 6:30PM)             |
| Valleys Regional Comp Plan Meeting      | October 26, 2010 7PM Halifax H/S Cafeteria (doors open at 6:30PM)             |
| Planning Commission Meeting             | November 1, 2010 7PM  |
| Township BOS Monthly Meeting            | November 8, 2010 7PM  |
| Comprehensive Plan Meeting              | October 12, 2010 @ Wayne Twp (overview of Oct. 26 <sup>th</sup> presentation) |
| 2 <sup>nd</sup> Township Budget Meeting | October 18, 2010 10AM   |
| Last Township Budget Meeting            | October 28, 2010 7PM  |

**ADJOURNMENT:** Linda Stopfel motioned to adjourn the meeting at 9:40 PM. Ken Hoover seconded the motion and the motion carried 4:0.

Respectfully submitted,  
Shanemarie Ferguson, Township Secretary