

Halifax Township
Board of Supervisors
Monthly Business Meeting
January 10, 2011

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

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

Donna Rode indicated that she would be video-taping parts of the meeting.

Chairman Bechtel announced that an executive session was held earlier in the evening from 6PM-6:55PM to discuss matters of litigation.

Public Comment Period:

- A. **Eileen Snyder:** Thanked Shanemarie Ferguson for her performance as Secretary-Treasurer for the Township and noted that her interest in a position with opportunities for professional advancement was understandable. She then indicated that she hoped that the board would reconsider hiring Carolyn Nye, noting that she had also been a proficient Secretary. She then suggested that Carolyn would likely be able to perform the job of Treasurer and grant writer as well if needed. She then asked that if grants are to be written, that the board give careful consideration to the types of grants that are pursued in light of the limited amount of funding that is available to all interested communities at this time.
- B. **Carolyn Nye:** Indicated that she was interested in the position and noted that she has some experience with the Treasury function since taking on her recent position with Jackson Township.
- C. **Norma Shearer:** Declined to comment.
- D. **Donna Rode:** Applauded the new board and the Solicitor for having worked together to resolve many long-standing issues over the course of the past year. She then thanked Shanemarie Ferguson as well for her performance as Secretary-Treasurer and wished her the best in her new job. She then encouraged the current board to continue to work together in serving the needs of the Township and those who elected them.
- E. **Flo Mallonee:** Declined to comment.

SECRETARY REPORT

Chairman Bechtel noted that the December 13, 2010 minutes had been presented for approval. Ken Hoover then motioned to accept the minutes as presented. Gary Shultz seconded the motion and the motion carried 5:0.

TREASURER REPORT (see attached)

Paid Interim Bills

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

Unpaid Current Bills:

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

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

SEO REPORT:

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

PLANNING COMMISSION REPORT:

Chairman Bechtel noted that PC Chairman Fred Ford had submitted a report for the board to review since he was ill and not able to attend this evening. He noted that the contents were self-explanatory and thus did not review it.

SOLICITOR REPORT (Presented by Bruce Warshawsky – see attached)

Solicitor Warshawsky thanked the board for retaining his services in 2011. He also thanked the general population for their support and indicated that he would strive to better in the coming year.

He then noted his submission of his monthly report dated January 7, 2011, for consideration by the Board. He then reviewed the following item:

Other Matters:**Manning Lease:**

Solicitor Warshawsky confirmed that the Manning's are moving towards bankruptcy. However, he advised that an asset deposition be scheduled if the Manning's don't file by the end of January. He then noted that from their written response they don't appear to have any assets of substantial value but felt that the board should move ahead nonetheless. Linda Stopfel inquired of the cost associated with this pursuit, noting that in light of the Manning's financial position, the Township is not likely to recover these costs. (Discussion then turned moved the Kauffman Litigation and Konchar items as noted below). Ken Hoover then motioned to have Bruce proceed with an asset deposition if the Manning's do not file bankruptcy by the end of January. Gary Shultz seconded the motion and the vote carried 5:0.

Kauffman Litigation:

Carol Eppley asked for clarification as to the nature of the Kauffman Litigation as noted on Sol. Warshawsky's report. Sol. Warshawsky noted that it was separate from the Kauffman/Heim issue which had been resolved. He then suggested that Mrs. Kauffman had initiated a lawsuit against the board some time back and he noted that he would review the status of that file and get back with the board.

Konchar:

Carol Eppley then inquired of the status of the Konchar litigation. Solicitor Warshawsky noted that while the matter had been inactive for more than 2 years the courts prompted a response from the plaintiff as to his intent to proceed, lest the case be dismissed. Bruce then indicated that Mr. Konchar's attorney provided the courts with a notice of intent to proceed, which had been forwarded to the Township. Bruce then indicated that while the Township's objections to this matter have been briefed and the Township is ready for the court to make a legal determination, he advised that absent any issue of use with this property, the Township should forego initiating its resolution unless forced to do so, given the associated expense.

38 McClelland Road (not on report):

Sol. Warshawsky advised the board to proceed in the same fashion as the School District in making the determination as to whether or not to strike off the back-taxes for this property. Linda Stopfel motioned to that effect. Carol Eppley seconded the motion and the vote carried 5:0.

ENGINEER REPORT (Presented by Tom Wilson – see attached)

Tom Wilson of K&W Engineers reviewed the services provided to the Township for the November period as contained in the Engineer's Report dated January 5, 2011. No action was required by the board.

In light of the Baker Storage Units Plan having been withdrawn, Ken Hoover inquired as to who would be responsible for the costs associated with the fee estimate generated for the applicant. Secretary Ferguson noted that the applicant had submitted a \$200 application fee that could be matched against these expenses. Discussion ensued. Ken Hoover then motioned to match the expenditures against the application fee and forego billing the applicant for this expense. Gary Shultz seconded the motion and the vote carried 5:0.

ROADMASTER REPORT (Presented by Dale Shoop)

Dale noted that Gary Lenker had recently applied for 28 permits for development within the Lenker Estates Phase I. He noted however, that the associated Final Plan could not be located within the Township files. He then asked Tom Wilson how to proceed in getting a reproduction of that Plan. Tom Wilson indicated that he would provide an additional plan set at no charge to the Township.

Dale then noted that on 12/15/10 the Township received a nuisance complaint regarding the accumulation of vehicles and junk at property located on Dunkle School Road. However, he noted that he spoke with the respective property owners and they appear to be taking action to resolve the issues. The board agreed to wait until next month to take any necessary action, assuming that the complaint has not been adequately abated.

Dale noted that the PERC had installed LED lights at the traffic light and noted that they estimated that this would result in a cost savings of approximately \$790/year. However he noted that there is an initial net cost of approximately \$600 (\$1200 minus a \$750 grant). Finally, he noted that the LED lights are guaranteed for five years. Chairman Bechtel noted that these kinds of improvements had already been budgeted for and thus required no action by the board.

Gary Shultz then asked Dale about the status of the Somerville nuisance. Dale noted that the cars appear to have been moved back. Arletta Thomas, who issued the complaint, then noted that he has made some progress, but has yet to address the mobile home. Gary noted that Mr. Somerville was given until the February meeting to adequately address these items.

ADMINISTRATIVE

A. Timing of Budgeted Disbursements: Chairman Bechtel noted that Secretary-Treasurer Ferguson had inquired as to the timing of the following budgeted disbursements. The board responded as follows:

\$600 EMC Stipend: to be dispersed on a quarterly basis, at the end of the quarter.

Shoop & Maus Retirement Bonuses: to be dispersed February 1, 2011.

Contributions:

HARA: to be dispersed March 1, 2011.

UDHS/Halifax Senior Center/Halifax Communities that Care/Diakon Volunteer Home Care: to be dispersed now.

Raymond Maus' Medicare Part B Reimbursement: to be dispersed on a quarterly basis, at the end of the quarter.

B. Alex Acres 2011 Mobile Home Park Permit: Solicitor Warshawsky noted that Alex Acres recently submitted payment for their 2010 Mobile Home Park Permit. However, he noted the

need to have a follow up letter sent if they do not make a payment for their 2011 mobile home park permit by January 31, 2011 to which the board agreed.

- C. Nightwine Reimbursement of Solicitor's Invoice #48997 - \$162:** Chairman Bechtel noted that Mr. Nightwine has yet to respond to the initial notice sent requesting reimbursement for this final bill. Discussion ensued. The board then agreed to have the Township send a second notice to Mr. Nightwine requesting reimbursement. Sol. Warshawsky then advised that the second notice be sent via certified mail.
- D. SALDO Fee Resolution:** Solicitor Warshawsky noted that he had presented the board with a resolution to adopt the existing fee schedule to charge developers for engineering and legal fees associated with plan submissions. He then noted that the board is obligated to adopt this resolution annually in order to be properly authorized to seek reimbursement for legal and engineering fees from developers at the current year's rates. He then indicated that it would be appropriate for the board to waive the reading of the resolution by motion and adopt it this evening. Linda Stopfel then motioned to waive the reading of the motion. Ken Hoover seconded the motion and the vote carried 5:0. Ken Hoover then motioned to adopt the 2011 fee schedule resolution as presented. Gary Shultz seconded the motion and the motion carried 5:0.
- E. PSAT's Annual Convention Attendees:** Chairman Bechtel noted that Linda has already indicated that she would like to attend and has been appointed to serve as the Township's voting delegate. He then noted that he would like to attend the convention on Sunday. No action was required by the board as this item was included in the 2011 budget figures.
- F. Secretary-Treasurer Vacancy:** Chairman Bechtel noted that Secretary Ferguson had submitted a letter of resignation to the board Tuesday of last week in which she indicated that her last day with the Township would be Friday, January 14, 2011. He then noted that she also indicated that she would be willing to serve as Treasurer if needed at the 2010 rate of pay which was \$150/week versus the \$180/week as budgeted for 2011. Gary Shultz then motioned to retain Shanemarie Ferguson as Treasurer following her resignation as Secretary. Ken Hoover then seconded the motion. Discussion ensued. Ken Hoover then rescinded his second. Chairman Bechtel then indicated his preference to retain Shanemarie Ferguson as Treasurer for now until the board could decide upon an alternate course of action. Sol. Warshawsky then recommended that the board first entertain a motion to accept Shanemarie's letter of resignation. Chairman Bechtel then noted that the original motion died for a lack of a second. Carol Eppley then motioned to accept Shanemarie Ferguson's letter of resignation as Secretary-Treasurer for Halifax Township effective January 14, 2011. Linda Stopfel seconded the motion and the motion carried 5:0. Gary Shultz then motioned to retain Shanemarie Ferguson as the Treasurer after the effective date of her resignation as Secretary-Treasurer. Carol Eppley seconded the motion. Discussion ensued. The vote then carried 5:0. Chairman Bechtel then called a recess at 8:12PM to hold an executive session to discuss the Treasurer's compensation package. The executive session concluded at 8:28PM. Linda Stopfel then motioned to retain Shanemarie Ferguson as Treasurer at a rate of \$150/week. Ken Hoover then seconded the motion and the motion carried 5:0. Linda Stopfel then motioned to advertise for the position of Secretary/Grant Writer and have a committee of supervisors to process applications and conduct interviews in order to ensure that the position is filled with a qualified applicant. Carol Eppley seconded the motion. Discussion ensued as to how to proceed in the interim. Solicitor Warshawsky indicated that the Township would need to at least appoint an Asst. Secretary in the interim to be in compliance with the 2nd Class Township Code. The vote to advertise for the position of Secretary/Grant Writer and to have a committee of supervisors' process applications and conduct interviews then failed to carry 2:2:1 with Ken Hoover and Ken Bechtel being opposed to the motion and Gary Shultz abstaining. Ken Hoover then motioned to appoint Carolyn Nye as Secretary, given that she drops her age discrimination claim against the Township. Chairman Bechtel seconded the motion. Linda Stopfel then suggested that was a conflict of interest according to Pennsylvania's Code of Ethics given Chairman Bechtel's relationship with Carolyn Nye. Discussion ensued. Solicitor Warshawsky then advised that it was his professional opinion that the appointment of Carolyn Nye to the position of Township Secretary would not constitute a conflict of interest per the provisions of the 2nd Class Township Code. Discussion ensued. Sol. Warshawsky then noted that Chairman Bechtel could request that he research the issue further to ensure that this would not be a violation of the Ethics Code. However, he clarified that Chairman Bechtel's seconding of the motion itself

could not be construed as a violation. He then advised the board of the need to appoint an Asst. Secretary nonetheless, effective January 14, 2011. Secretary Ferguson then indicated that she would be willing to serve as Asst. Secretary until the board had further opportunity to decide upon a suitable course of action given input from the Township's legal counsel for Carolyn's discrimination claim and following Bruce's review of the Code of Ethics to ensure that there isn't a conflict of interest. Discussion ensued. The motion to appoint Carolyn Nye to serve as Township Secretary, contingent upon her dropping the age discrimination lawsuit against the Township then failed to carry 1:2:2 with Carol Eppley and Linda Stopfel being opposed and Gary Shultz and Ken Bechtel abstaining. Carol Eppley then motioned to accept Shanemarie Ferguson's offer to serve as Asst. Secretary and perform the core duties of the secretarial position until the day after the next BOS meeting at an hourly rate commensurate with her current salary. Linda Stopfel seconded the motion. Gary Shultz then indicated that while he appreciates the offer he is concerned that Shanemarie is over extending herself in making this offer. Discussion ensued. Shanemarie then indicated that while it was not necessarily her preference to perform these additional duties, she nonetheless would be willing to assist the Township for a short period of time if needed. Discussion ensued. The motion to appoint Shanemarie Ferguson to serve as the Asst. Secretary until the day after the next meeting then carried 4:1 with Gary being opposed.

Carol Eppley then motioned to advertise the prospective vacancy in the Secretary position in the next two issues of the Sentinel and in the next two issues of the Patriot's Sunday newspaper with an application deadline of January 28, 2011. Linda Stopfel seconded the motion. Discussion ensued. The motion then carried 3:2 with Ken Hoover and Ken Bechtel being opposed.

OLD BUSINESS

- A. EIT Resolutions & Agreement:** Solicitor Warshawsky noted that a resolution was passed at the last meeting to go with Berkheimer as the collector of the Township's Earned Income Tax. In addition he noted that Berkheimer has since provided the Township with an agreement, and four resolutions: one adopting Berkheimer as our EIT collector, one authorizing Berkheimer to impose and retain the costs of collection on delinquent taxes, one appointing Berkheimer as the Tax Hearing officer and the last one authorizing the Township officials to be the communications portal with Berkheimer. He then indicated that Chairman Bechtel should entertain a motion to waive the reading of the resolutions. Ken Hoover motioned to that affect. Gary Shultz seconded the motion and the motion carried 5:0. Solicitor Warshawsky then indicated the need to appoint a person to be the Township's authorized representative to receive tax information and records. Discussion ensued. The board then agreed to assign the Township Treasurer, whoever that might be, to that position and note it as such in the corresponding documents. Sol. Warshawsky then noted that there was correspondence to be sent to the State System of Higher Education and to the Bureau of Financial Management in Harrisburg. He then noted that the Chairman could entertain a motion to enter into an agreement with Berkheimer, to pass the resolutions as described and to authorize distribution of the aforementioned letters. Linda Stopfel made a motion to that affect. Carol Eppley seconded the motion and the vote carried 5:0.

NEW BUSINESS

- A. Forestry Management Plan:** Chairman Bechtel noted that Alice Trowbridge from Larson Design had mentioned the idea of a forestry management plan for the woodlands on the park property. Moreover he noted that she had indicated that the completion of the Master Site Plan was not necessary to move ahead with this type of plan. Chairman Bechtel then indicated that the marketable timber located on the property could provide funding for some of the Park development projects. Linda Stopfel then noted the possibility of pursuing additional grant funding for trees contained within the Master Site Plan. Discussion ensued. The board then agreed to have Linda pursue an additional grant for trees given that the board could agree upon the specifics to be contained within the grant. In addition, the board agreed to have Chairman Bechtel further investigate a forestry management plan for the Park.

Linda Stopfel expressed concerned about the continuing tractor trailer traffic on the mountain. Patricia Powley noted that the signage had been changed and that tractor trailer traffic is now permissible for the most part. Discussion ensued. Linda then recommended that a letter be sent to Senator Piccola's office noting our concerns and inquiring as to why the changes had been made.

ANNOUNCEMENTS:

Chairman Bechtel announced the following upcoming meetings:

Planning Commission Workshop	January 17, 2011 PM
Planning Commission Monthly Meeting	February 7, 2011 7PM
Township BOS Monthly Meeting	February 14, 2011 7PM

ADJOURNMENT: Ken Hoover motioned to adjourn the meeting at 10:00 PM. Carol Eppley seconded the motion and the motion carried 5:0.

Respectfully submitted,

Shanemarie Ferguson, Township Secretary