

**HALIFAX TOWNSHIP
BOARD OF SUPERVISORS
MONTHLY BUSINESS MEETING
OCTOBER 14, 2013**

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

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

RECORDING MEETING: The Township secretary is the only person recording the meeting.

EXECUTIVE SESSION: Two sessions were held. One on 9/30/2013 from 7 to 8:30 p.m. The other before tonight's meeting at 6:05 to 6:45 p.m. Both were held regarding the Lenker litigation.

PUBLIC COMMENT PERIOD: **Fred Ford** commended Supervisors and Solicitor on effort to get the Harn property nuisance issue finalized. Fred indicated the house has been completely refurbished and it looks good. **Flo Mallonee** has nothing at this time. **Bonnie Anderson** thanked the Board for taking care of the Armour nuisance. She indicated PPL will probably take care of the vines on the pole. **Paul Bonawitz** has a concern regarding the heavy trucks going in and out of the Lenker Development. Chairman Bechtel stated the Township is aware but there are only two ways to go in and out of Phase I and they impact Triangle Manor or Lenker 2. Those roads are not Township roads. **Hara Frank** received a letter regarding highway improvement in the area. The Board is not aware of this. **Mary Graves** who is involved with the Lykens Boyscout Troop 85 is interested in use of the park and thanks the Board for their consideration. **Frank Wilmarth** stated he sent emails into the Township for consideration of some issues. **Norma Shearer** has nothing at this time. **Attorney Gingrich** was recognized by the Chairman who stated he has made a spot for her to speak under the DONCO and Related Issues on the agenda.

SECRETARY/TREASURER REPORT: **Paid Interim Bills** – Supervisor Hoover made a motion to approve the interim bills, seconded by Supervisor Bruner, vote called, motion carried 4-0. **Current Unpaid Bills** – Supervisor Hoover made a motion to authorize payment of the current bills, seconded by Supervisor Bruner, vote called, motion carried 4-0. **Minutes** – Supervisor Paul made a motion to approve the Monthly Business Meeting minutes of September 9 as written, seconded by Supervisor Hoover, vote called, motion carried 4-0. **Motion:** Supervisor Hoover made a motion to approve the Workshop Meeting minutes of September 16 as written, seconded by Supervisor Bruner, vote called, motion carried 4-0. **Financial Report** – The Board reviewed the report and had no comments.

EMC REPORT: No report submitted.

PLANNING COMMISSION RECOMMENDATION: Flo Mallonee provided overview of the Planning Commission Meeting held October 7. The Gallagher Storm Water Management Plan was recommended for approval by the Planning Commission. **Motion:** Supervisor Bruner made a motion to approve the Gallagher SWM Plan, seconded by Supervisor Paul, under discussion the Solicitor stated there is no Operation and Maintenance Agreement needed, vote called, motion carried 4-0. **The Lenker Revised Plan** – Flo gave an overview regarding this plan. She indicated the plan when originally submitted was subject to the 1992 SALDO, the developer's agreement has had modifications, the plan was reviewed subject to the 1992 SALDO requirements, the Engineer's review and Mr. Lenker's engineer's responses were reviewed and taken into consideration. The Planning Commission recommended approval of the plan contingent upon Mr. Wilson's review dated September 19, 2013. Attorney Silver representing Mr. Lenker provided some history of the plan which included the submission of the plan, the 2007 denial, the various changes and reviews by the Planning

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Commission and the Halifax Township Board of Supervisors, the public review and executive sessions. He went over the storm water concern and the changes and improvements made to address this issue. Attorney Misturak-Gingrich representing Michael Sweigard spoke about Mr. Sweigard's concern over the years regarding storm water. She stated there is the potential for excessive storm water impacting Mr. Sweigard's land in the future. She alleged there has been a lack of public review of the revised plan and developer's agreement. Attorney Misturak-Gingrich submitted a Memorandum dated October 14, 2013 regarding Michael Sweigard's Procedural and Substantive Objections to the 2013 Revised Lenker Estates Subdivision Plan, Phases II and III dated October 7, 2013 and related Storm Water Addendum, revised July 10, 2013. Chairman Bechtel asks if there is any public comment regarding the proposed plan. Flo Mallonee asks if there are any public review requirements in the MPC pertaining to the nature of this plan. The Solicitor stated the public review of a Subdivision Land Development Plan is considered at the Planning Commission Meeting, then the Board of Supervisors' Meeting. The wrinkle with this plan is that it is in the middle of litigation and appeal. Any matter in litigation would not require public review. The Solicitor stated the Board has options: 1. It can make a motion to open up more discussion before the Board, 2. Can motion to approve the revised REDA with contingencies or 3. Can motion to reject in total or have more considerable public review. **Motion:** Supervisor Hoover made a motion to approve the revised Real Estate Developer's Agreement which is subject to modifications to existing Real Estate Developer's Agreement referenced by most recent set of plans considered by the Planning Commission October 7, 2013 and consistent with the Planning Commission recommendation, the inclusion of a provision that all of Mr. Wilson's review of September 19, 2013 are met prior to any final plans to be recorded, seconded by Supervisor Bruner, under discussion Supervisor Bruner asks for clarification on the Solicitor's explanation regarding public review and litigation, the Solicitor reiterated that any matter in litigation does not require public review, Norma Shearer asks if the developer's agreement is subject to review, Chairman Bechtel stated not until it is voted upon, approved and executed, Attorney Misturak-Gingrich disputed the availability of the plans for public review, Mr. Silver indicated there was extensive discussion at the October 7 Planning Commission Meeting on the plan, it was available for review at that meeting and Attorney Misturak-Gingrich was involved in the discussion at that meeting and the agenda for the October 7 Planning Commission Meeting included DONCO. **Motion:** Supervisor Bruner made a motion to go into executive session, seconded by Supervisor Paul, vote called, motion carried 3-1. Meeting reconvened at 8:03 p.m. Motion continued to approve the revised Real Estate Developer's Agreement, vote called, motion carried 4-0. **Motion:** Supervisor Bruner made a motion to retain a recording of tonight's meeting, seconded by Supervisor Hoover, vote called, motion carried 4-0. **Motion:** Supervisor Hoover made a motion to approve the revised Lenker Estates II and III Plan contingent upon the township engineer's review/recommendation of September 19, 2013, seconded by Supervisor Bruner, vote called, motion carried 4-0.

ENGINEER REPORT: Tom Wilson gave report of October 1, 2013. No action taken.

SOLICITOR REPORT: Nuisances: Kline/Dunkle School Road – Cleanup is slow but continuing. **Rebecca Takacs/Matamoras Road** – No activity. **McNair/Bunker Hill Road** – Evidence that ATV's may be using township road but no damage. **Terry Harman/1059 N River Road** – Demolition of the trailer has occurred and cleanup is ongoing. There is a judgement of \$561. Will let the 30 days run and will follow-up for next month. **Harner/Hoover/SEO Issue River Rd** – The SEO is monitoring. A complaint has been filed and a hearing is set for November 18. **Gantz/421 2nd Street** – neighbor states trash is still on porch at times without pickup in bags not garbage containers. Will monitor and may have to act under new ordinance. **Armour/1091 N River Rd** – Cleanup has taken place. **Geoffrey Brothers/220 N 2nd Street** – cleanup is ongoing. They are working to get cars removed and have had a tree trimmed. Follow-up for next meeting.

ROADMASTER REPORT: Garage Doors Repairs - Corey provided a report of repairs needing to be done to the garage doors. **Motion:** Supervisor Paul made a motion to authorize repairs of doors, seconded by Supervisor Hoover, under discussion the Board advised Corey to get another estimate. Supervisor Paul withdrew motion, Supervisor Hoover seconded. **Line Painting** – The Solicitor will check into the legalities regarding line painting on an undersized road.

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PARK COMMITTEE: Electrical Work – Frank Wilmarth presented a request to have the wiring changed at the milk house to the well. This involves raising the wiring at the location. Dave Bitting volunteered to do the wiring and supply the materials. **Motion:** Supervisor Paul made a motion to authorize Dave Bitting to change the wiring, seconded by Supervisor Bruner, vote called, motion carried 4-0. **Overnight Camping** – Frank Wilmarth presented a draft application, waiver and permit form. The Solicitor stated the waiver is ok and a permit is appropriate however, there is no enforcement in place. He suggested an ordinance to govern with enforcement. There is water available and a port-o-potty on the premises. The Board discussed the idea of getting the water tested. **Motion** – Supervisor Paul made a motion to approve the overnight camping and to have the family interested fill out a liability sheet and have Frank Wilmarth be in charge, seconded by Supervisor Bruner, vote called, motion carried 4-0.

ADMINISTRATIVE: Budget Increase Items – The Solicitor drafted a resolution to make supplemental appropriations for the Township's 2013 budget. **Motion:** Supervisor Hoover made a motion to waive the reading of the resolution, seconded by Supervisor Bruner, vote called, motion carried 4-0. **Motion:** Supervisor Bruner made a motion to approve the resolution, seconded by Supervisor Paul, vote called, motion carried 4-0.

SEO REPORT: Board reviewed the report and had no comment.

OLD BUSINESS: Snow Removal Policy – Tabled until November meeting. **Nuisance Ordinance** – The ordinance was properly advertised. **Motion:** Supervisor Paul made a motion to accept the ordinance as submitted, seconded by Supervisor Bruner, vote called, motion carried 4-0.

NEW BUSINESS: Floodplain Management Workshop – Chairman Bechtel announced the workshop to be held at the Dauphin County Conservation District October 22 at 6:30 p.m. if anyone is interested. **Twin Valleys Lions Club Contribution Request** – **Motion:** Supervisor Hoover made a motion for the Township to donate \$250.00, seconded by Supervisor Paul, vote called, motion carried 4-0.

AGENDA ITEMS FOR NEXT MEETING: Snow Removal Policy and Fireworks Ordinance.

ANNOUNCEMENTS: Planning Commission Meeting November 4 at 7 p.m. and Township Meeting November 11 at 7 p.m. Budget meeting November 4 at 8 p.m. after Planning Commission Meeting.

ADJOURNMENT: Supervisor Bruner made a motion to adjourn at 9:15 p.m., seconded by Supervisor Paul, vote called, motion carried 4-0.