

Halifax Township
Board of Supervisors
Monthly Business Meeting
December 14, 2009

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

Roll Call: Supervisors Shearer, Stopfel, Eppley and Shultz were present. Supervisor Ken Hoover was absent. K&W Engineer Tom Wilson, Solicitor Steve Dzurandin and Roadmaster Dale Shoop were also present. Lisa Kelley of Hoover Financial was present in place of Secretary/Treasurer David Hoover who was unable to attend.

Chairman Shearer announced that an executive session was held earlier in the evening, from 5:30PM to 6:36PM to discuss personnel and litigation matters.

Citizen taping the meeting was Carolyn Nye.

Public Comment Period:

- A. Ken Bechtel:** Reiterated his concern as expressed in the last meeting over the decision to declare the vote made with respect to the decision to extend an offer of employment to Shanemarie Ferguson for the Township's Secretary position as unanimous. While he agreed that a majority vote to extend this offer of employment had been established, he questioned the Chairman's declaration of a non-audible vote as a yea. Ken also expressed concern over being misquoted in last month's minutes under announcements with respect to the vote on the 2010 budget. He stated that he had made no such mention of the budget vote in that meeting.
- B. Melinda Warfel:** Wanted to thank all of those who ran for office this year, including Ken Bechtel (incoming Supervisor), Bob Artman (Auditor), Brad Bruner (Auditor), Deborah Myers (Auditor) and Eric Frey (Constable). In addition, she thanked the BOS and others for the opportunity to run again and to continue to serve the Township for another 4 years.
- C. Flo Mallonee:** Expressed concern again for the absence of a south-bound turning arrow at the Route 147 and Parmer Drive intersection and the related safety implications. In addition, she inquired about the status of communications with PennDOT as well as the action to be taken on this issue.

Secretary/Treasurer's Report

The paid interim bills and unpaid current bills were presented for approval. Supervisor Shultz motioned to approve the bills as presented. Supervisor Eppley seconded the motion and the motion carried unanimously.

The November 9, 2009 Business meeting minutes were presented for approval. In response to Ken Bechtel's concern last meeting over having declared the vote to extend an employment offer to Shanemarie Ferguson as unanimous, Chairman Shearer noted that she was advised by PSAT's legal advisor, Tom Wenger that the result of a vote is the call of the Chairman unless it is challenged by a member of the board. Furthermore, she stated that since there was no objection from anyone on the board, it was declared unanimous as reflected in the minutes. Supervisor Stopfel motioned to approve the minutes given correction of the misspelling of the Solicitor's last name under the Solicitor Report section. Supervisor Eppley seconded the motion and the motion carried unanimously.

The November Financial Report was accepted for review with no action taken.

Planning Commission

Jim Eppley reviewed the report. (See Report)

Preliminary/Final Land Development Plan for River Ridge Mobile Home Park (2009-06-3-23-LD-S-P-F) – In response to the applicant's letter dated December 2, 2009 regarding payment of fees in lieu of land dedication, the Planning Commission recommended that the Board of Supervisors accept B2 Partners, Inc. offer #3, for \$9665.00 as payment of fees in accordance with Section 514 of the SALDO. Linda Stopfel motioned to accept the Planning Commission's recommendation to accept \$9665.00 in lieu of land dedication for River Ridge Mobile Home Park. Carol Eppley seconded the motion and the motion carried unanimously. The Planning Commission also recommended that the BOS grant a 90-day extension to the applicant. Supervisor Stopfel motioned to grant the extension. Supervisor Shultz seconded the motion and the motion carried unanimously.

Preliminary/Final Minor Subdivision Plan for Matthew A. & Chandra Morgan (2009-08-9-21-S-P/F) – The Planning Commission recommended that the BOS approve the following:

- a. A waiver of the Preliminary Plan procedure (Section 404), but not to include a waiver of the Preliminary Plan requirements (Section 405). Supervisor Stopfel motioned to approve this waiver. Supervisor Eppley seconded the motion and the motion carried unanimously.
- b. A waiver of the Wetlands delineation (Section 405.1.a.(17)) in light of no major earth disturbances being undertaken. Supervisor Shultz motioned to

approve this waiver. Supervisor Stopfel seconded the motion and the motion carried unanimously.

- c. A modification to the Curbing requirement (Section 606) such that the installation of curbing is not required at this time, but subject to a note on the Plan that commits the property owner(s) to comply with the curbing requirements at a future date if called upon to do so by the Board of Supervisors. Discussion ensued as to how the right to call upon future compliance might be tracked and initiated. Engineer Tom Wilson stated that a notation that indicates this right could be made on the map of the Township that resides at his office. Following this discussion, Supervisor Eppley motioned to approve this modification. Supervisor Stopfel seconded the motion and the motion carried unanimously.
- d. A modification to the Sidewalk requirement (Section 607) such that the installation of sidewalks is not required at this time, but subject to a note on the Plan that commits the property owner(s) to comply with the sidewalk requirements at a future date if called upon to do so by the Board of Supervisors. Supervisor Stopfel motioned to approve this modification. Supervisor Shultz seconded the motion and the motion carried unanimously.
- e. Approval of the Plan conditioned on completion of the following items:
 - a. Correction of the designation of the wooded areas on the Plan legend
 - b. Approval of the Planning Module
 - c. Inclusion of a note on the Plan that indemnifies the Township from any action resulting from the applicant's and/or PennDOT's inability to locate HOP's for each driveway on the property (provided confirmation from PennDOT of their existence)
 - d. Inclusion of a UPI number from the Dauphin County Tax Assessors Office for the newly created lot on the cover sheet and plain view (Section 405.1.a.(1))

Supervisor Stopfel motioned to grant approval of the Plan based on the completion of the conditioned items listed immediately above. Supervisor Eppley seconded the motion and the motion carried unanimously.

- f. Authorization of Dave Hoover to execute the Plan on behalf of the applicant, given completion of the conditioned items listed above.

Final Subdivision Plan for James P. & Doreni L. Tenaglia (2009-10-10-08-S-P-F) -
The Planning Commission recommended that the BOS approve the following:

- a. A waiver of the Preliminary Plan procedure (Section 404), but not to include a waiver of the Preliminary Plan requirements (Section 405). Supervisor Stopfel motioned to approve this waiver. Supervisor Eppley seconded the motion and the motion carried unanimously.
- b. A waiver of the Wetlands delineation (Section 405.1.a.(17)) in light of no major earth disturbances being undertaken. Supervisor Shultz motioned to approve this waiver. Supervisor Eppley seconded the motion and the motion carried unanimously.
- c. A modification to the minimum building setback requirements (Section 503.3.a), subject to a note on the Plan that requires any future construction to

be in compliance with the setback requirements then in effect. Supervisor Stopfel motioned to approve this modification. Supervisor Eppley seconded the motion and the motion carried unanimously.

- d. A modification to the minimum lot area requirements (Section 505.3.a) limited to the areas as shown on the Plan. Supervisor Eppley motioned to approve this modification. Supervisor Shultz seconded the motion and the motion carried unanimously.
- e. A modification to the minimum lot width requirements (Section 505.3.a) limited to the extent shown on the Plan. Supervisor Stopfel motioned to approve this modification. Supervisor Eppley seconded the motion and the motion carried unanimously.

Act 24: Appalachian Trail Act – Jim & Carol Eppley reported on information provided to them at a recent meeting they attended. Mr. Eppley noted that compliance with this Act will require the Township to establish a zoning ordinance aimed at preserving land along this trail by August of 2010. Discussion ensued with respect to the challenges associated with developing this ordinance. Jim and Carol Eppley have volunteered to pursue a greater understanding of what is required of the Township and how best to proceed and will keep the BOS and the Township abreast to their findings.

Billboard Ordinance – Based on the motion made during the November 9, 2009 BOS meeting to have the Planning Commission research a billboard ordinance for the Township, Mr. Eppley was asked to comment on the status of any such efforts. Mr. Eppley indicated the need for the BOS to prioritize their interests and give indication of what is to take precedence given the number of ordinances that they are currently working towards developing. Chairman Shearer indicated the importance of making the development of the Act 24 zoning ordinance a priority over the others given the legal requirement to comply. No further action on researching a billboard ordinance at this time was discussed.

Engineers Report

The Engineer's Report was reviewed by Tom Wilson, who briefly outlined the services provided to the Township for the period from 10/30/09 through 11/27/09. No action was required. (See Report)

Solicitor's Report (See Report)

The Solicitor's Report was reviewed by Solicitor Dzurinin. (See Report)

Solicitor Dzurinin indicated that the only item in his report that had yet to be acted upon by the BOS pertained to the Wind Energy Facilities Ordinance. Furthermore, he clarified that his estimate of cost to review the Planning Commission's draft ordinance (based on the scope of work from the November 2009 meeting) did include a review of

Section 2. Chairman Shearer noted that further discussion would follow under old business.

Roadmaster's Report

The Roadmaster's Report was reviewed by Dale Shoop. (See Report)

Dale Shoop reported that he had spoken to Penn DOT's traffic engineer, Chuck Tripp who indicated that a plan would need to be submitted in order to give consideration to putting a left-turning arrow at Parmer Drive. In addition, Mr. Tripp stated that it was not likely that the results of a traffic study would warrant the installation of this signal, but that PennDOT nonetheless, would most likely approve it with submission of a plan. Dale reported that the cost of the light alone would be \$2500 and the Plan fee including a traffic study by K&W Engineers would be \$5000 for a total cost of \$7500.

Supervisor Stopfel asked Dale to explain how a left-turning arrow would affect traffic patterns and he indicated that it would take away from another green, causing an increase in traffic back-up. Chairman Shearer, as advised by Planning Commission Chair Eppley, recommended that the Board wait to see if the Commons had any plans with respect to this. Dale Shoop stated that PennDOT indicated it had not been addressed in any of the permits that they had received to date. Engineer Wilson, who participated in the traffic review on the Commons, also indicated that he was fairly certain that the Commons had not addressed this issue in their Plan as the inclusion of this signal was not warranted per vehicle code. Planning Commission Chairman Eppley indicated the possibility of partnering with the Commons on this in order to reduce the cost to the Township. Engineer Tom Wilson volunteered to discuss this with Cedar Shopping Centers and report back next month.

Dale Shoop mentioned the need for the BOS to select a new Emergency Management Coordinator for the Township. Chairman Shearer noted that the Board had already begun discussion with respect to finding a suitable replacement. Chairman Eppley asked Dale if he had a recommendation and he noted that neither he nor Bob Stout would be able to assume the added responsibility.

SEO Report

The SEO Report was not available for review.

Valleys Regional Comprehensive Plan Report

Chairman Shearer asked for the Board's approval to renew the Municipal Planning Advisory Service Agreement for 2010, which she indicated was essentially a grant in the amount of \$1250, to be designated towards the development of the Township's Comprehensive Plan. Supervisor Stopfel motioned to approve the agreement.

Supervisor Eppley seconded the motion and the motion carried unanimously. Chairman Shearer thanked the Board for their input on Housing and Natural Resource strategies. She indicated that Community strategies is next and asked that the Board respond to an item she will be forwarding with indication of the top 5 strategies that they view as being most important. Chairman Shearer also announced her attendance at the December 9th meeting, noting that the focus of the meeting was on goals and future expectations pertaining to items such as land use, natural and historical figures, transportation, housing, the economy, community facilities and character, etc. She also announced that she would be resigning from the Committee at the end of the month and noted that Supervisor Shultz would then move from an alternate to a full member and suggested accordingly that the Board may want to consider appointing an alternate at the Reorganization meeting. Finally, Chairman Shearer announced that the January 12, 2010 Comprehensive Plan meeting was scheduled to be held at the Township's Municipal Building at 7:00 PM.

Old Business

Wind Energy Ordinance: Chairman Shearer reviewed the Scope of Work estimates provided by the Solicitor and Engineer, which were \$2160 and \$1080 respectively. She also indicated that she had researched prior ordinance review fees charged by the Engineer (i.e. \$2000 for the review of the Stormwater Ordinance and \$5000 for the review of the Vehicle Weight Ordinance) and found the estimates to be in line with prior fees charged for an ordinance review. Supervisor Eppley motioned to assign the Wind Energy Ordinance review work to the Solicitor and Engineer. Supervisor Stopfel seconded the motion. Discussion initiated by Supervisor Shultz ensued with respect to Bob Artman's recent work on the ordinance draft. Mr. Artman clarified that his research findings had already been incorporated into the current draft of the ordinance. Following this discussion, the motion then passed unanimously.

Fire Company Contract: Todd Etzweiler decided not to comment, noting that the Solicitor's Report provided sufficient clarification on the issue.

2010 Budget: Todd Etzweiler expressed concern over the way funds have been allocated in the 2010 budget, noting that capital improvements such as equipment needs have not been budgeted for. Chairman Shearer noted that equipment could still be considered for purchase as needed, with or without inclusion in the budget. Todd also asked for clarification on the budgeted income item: Recreation Fees for which an amount of \$10,000 had been budgeted. Chairman Shearer noted that it was in relationship to the River Ridge MHP payment of fees in lieu of land dedication as discussed earlier by Planning Commission Chairman Jim Eppley. Todd questioned the Township's \$1500 provision for the Secretary/Treasurer Bonding, stating that he felt it should be the responsibility of Dave Hoover to provide his own bonding, given that he operates as an independent contractor. He also took objection to the amount of the bonding stating that it seemed excessive in light of the amount of bonding required for the tax collector, who he believed handled more of the Township's money. Supervisor

Stopfel indicated that Mr. Hoover oversees all of the Township's funding thereby requiring a higher bond. Finally, Todd expressed concern over the amount of money budgeted for Personnel, especially as it pertained to the amounts budgeted for the Solicitor, Engineer, Secretary and Treasurer. Supervisor Stopfel noted as an example, the current undertakings of the Solicitor as explanation of the amount allocated in the budget for legal fees.

Ken Bechtel stated that he felt the earned income tax was slightly understated. He also expressed concern over the amount of money budgeted for Personnel, again limited to the amounts budgeted for the Solicitor, Engineer, Secretary and Treasurer. Chairman Shearer noted that with respect to the increase in the budgeted amount of compensation for the Secretary position, the hours worked and the responsibilities of the position had been considerably increased. Ken indicated his support for capital expenditures on equipment needed for the Township and for the seeding of Ft. Halifax Park with perennial grass coverage to preserve the land so that it isn't overcome by weeds.

Chairman Shearer asked Supervisor Shultz to address the changes needed to the Street Lighting Tax. Supervisor Shultz indicated that to keep pace with increases in the cost of electricity for street lighting, the Township will need to increase the Street Lighting Tax by 30%. Supervisor Shultz also noted that the Township is still subsidizing the costs of street lighting to the same extent as before and that this increase is only to offset the added cost of electricity, with the resulting effect of this change being that the budgeted operating profit will increase by \$3000 to (\$26311.34). Supervisor Stopfel motioned to approve the 2010 Budget as outlined. Supervisor Eppley seconded the motion and after Chairman Shearer noted that she had no involvement in the budget and was abstaining from the vote, the vote then carried unanimously.

New Business

- A. Armstrong Valley Fitness Center Light Complaint:** Mark and Jennifer Loudin, who reside next to Armstrong Valley Fitness, have requested that the BOS give consideration to classifying the lighting at Armstrong Valley Fitness as a nuisance. The Loudin's stated that beginning in 2007 they initiated correspondence with both the fitness center and the Township in an attempt to have them either shield and/or change their lighting so that it no longer casts a spotlight on their deck. Having been unable to reach a compromise with the fitness center, the Loudin's have asked the Board to assist them via enforcement of the Township's nuisance ordinance. Chairman Shearer noted that she had both spoken with Armstrong Valley management and had visited the location during the evening hours and felt the lighting was offensive. The fitness center management indicated that they would shield the lights if they had to, noting that they receive complaints from their members that the parking lot is too dark. Discussion ensued as to the type of lighting used and whether it was appropriate parking lot lighting. Supervisor Stopfel motioned to have the Solicitor generate a

nuisance letter requesting that corrective action be taken. Supervisor Eppley seconded the motion and the motion carried unanimously.

- B. PSATS Report:** Supervisor Stopfel, who serves on the PSATS finance committee, noted that she attended a meeting in Hershey on November 12, 2009 pertaining to cutbacks in the state budget and how it will affect local municipalities. She made available for those in attendance a related hand-out. Supervisor Stopfel also indicated that there has been some movement by the Governor to combine municipalities. Supervisor Stopfel indicated the need to preserve the local municipalities as they are in order to maintain a voice in issues of local interest.
- C. Fort Halifax Park Signs/Rules & Regulations:** Chairman Shearer indicated the need to have the park's rules and regulations posted at the park itself in order to serve their purpose. She also stated that she had looked into the cost of sign production with an organization called PA Correctional Industries, who co-partners with the local prison board and its prisoners to manufacture goods at a reasonable price. Furthermore, she indicated that the program is a source of job-skills training for those who participate. For a 12"X18" sign with white reflective paint and black lettering, she was quoted \$31.50/sign. Discussion ensued as to the appropriateness of a larger sign and to the idea of possibly using a local business to produce the signs. Brad Bruner volunteered his services and the Board granted him the opportunity to come forth with an estimate of cost for signs of an appropriate size as based on his professional judgment. Todd Etzweiler asked who was responsible for enforcing the rules and regulations. Chairman Shearer indicated that for most individuals, the signs themselves will serve as a deterrent to any rule-breaking.
- D. Twin Valley Conservation-Rudi Erb:** presented a check to the Township in the amount of \$1000. This was reimbursement for the \$1000 she had formerly received from the Township as a donation for dump clean-up. Supervisor Stopfel was able to obtain a grant for these efforts and so the donation was not necessary.
- E. Mike Decker Memorial:** In light of the service provided by Mike Decker as the Township's Emergency Management Coordinator over the years, Supervisor Stopfel motioned to have the Township make a donation of \$200 to the Twin Valley Conservation in Mike's name. Supervisor Eppley seconded the motion and the motion carried unanimously.
- F. Appalachian Trail Act website link:** Supervisor Eppley asked that the following link be provided on the Township's website to provide residents with information on the Appalachian Trail Act: http://www.appalachiantrail.org/pa_apptrail_act. Chairman Shearer asked Shanemarie Ferguson to contact the webmaster to have it made available on the Township's website.

Announcements

Chairman Shearer made note of the following upcoming meetings, all of which are to take place at the Halifax Township Municipal Building:

Planning Commission Meeting:	January 4, 2010 6PM
Township BOS Meeting:	January 4, 2010 7PM
Township BOS Monthly Business Meeting:	January 11, 2010 7PM
Valley's Regional Comprehensive Plan Meeting:	January 12, 2010 7PM

Supervisor Stopfel thanked Chairman Shearer for her extensive service, commitment and dedication to the Halifax Township and its residents over the years.

Adjournment

Supervisor Stopfel motioned to adjourn at 9:05 PM. Supervisor Eppley seconded the motion and the motion carried unanimously.