

Halifax Township
Board of Supervisors
Monthly Business Meeting

April 12, 2010

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

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

Linda Stopfel indicated that she was recording the meeting.

Public Comment Period:

- A. Loretta Prouse:** Indicated that while she had volunteered to serve as the Township's Census Liaison, she was unable to participate in the required training and as a result could not fulfill the liaison obligation for which she apologized.
- B. Sharon Manning:** Noted the need for a sign coming in to town that indicates the end of the school zone. In addition, Mrs. Manning addressed a prior comment made by Scott Corsnitz during public comment period, whereby he suggested improprieties between Linda Stopfel and Mr. Manning had occurred. She stated that she felt a letter of apology was due from the board given that the defamatory comments were made without indication from the board that comments of that nature were unacceptable and/or would not be tolerated. Chairman Bechtel then asked Bruce Warshawsky to give indication as to whether or not he felt a letter of apology from the board was necessary. Bruce stated that while it is the privilege and right of the Chairman to stop public comment if so desired, the failure to do so does not expose the board to any kind of liability since the board is required to allow the public to comment on matters that presumably touch upon public business. Bruce then noted that with respect to whether or not a letter of apology should be extended, it is solely up to the discretion of the board. Linda Stopfel then noted that she wanted it to go on record that she had objected to the comment when it was made. Moreover, she indicated that she is still appalled at both the nature of the comment and the fact that it was made during a Township meeting. Chairman Bechtel then indicated that he would be willing to provide a written apology to Mrs. Manning for not curtailing the commentary more effectively if she so desired, to which she indicated she did.
- C. Larry Moore:** Deferred to comment until later as noted on the agenda.
- D. Donna Rode:** With the upcoming music festival, Donna expressed her concerns surrounding the safety and welfare of the attendees. In light of the traffic jam that occurred along Route 147 last year, Donna inquired as to whether any measures were going to be taken to prevent a reoccurrence of this type. In addition she expressed concern over having a park tenant, who has been convicted of criminal activity, being in such close proximity to the surrounding events. Moreover, she recommended that the Board look into whether or not the Township could be held liable in the event that this individual were to commit an unlawful act during a park event, given that the Board was aware of the tenant having a criminal record. Donna then asked if the Township received any proceeds from the music festival, stating that while she was not opposed to the music festival, she thought it was nonetheless important to consider all aspects associated with it. Finally, Donna questioned the rationale behind continuing to rent out the old farmhouse at the Park in light of the time and energy that it requires of the board and given her understanding that the rental income generated is not sufficient to cover the costs required to maintain the property. Moreover, she inquired as to why the rent had been decreased to \$400/month for the current tenants when the former tenant was required to pay \$500/month. She then concluded that perhaps it was time for

the Township to permanently vacate the farmhouse at the Park and thereby resolve itself of any corresponding rental issues.

- E. **Flo Mallonee:** Indicated that she also feels as though the rental of the old farmhouse at the Park has been more of a nuisance than a benefit to the Township. She then stated that per the lease agreement, only the lease signers are to reside at the farmhouse, yet it is her understanding that an additional individual has been residing there for some time without having submitted proper notice to the Township of this change. Mrs. Manning then indicated that her cousin was visiting and that she had only been there for approximately two weeks. Flo then suggested as well that the Township rid itself of its rental responsibilities so that there are no further concerns associated with potential liability to the Township and/or collecting on rent and outstanding debts.

SECRETARY REPORT

Ken Hoover motioned to accept the March 8, 2010 minutes as presented. Carol Eppley seconded the motion and the motion carried 4:0.

TREASURER REPORT

Paid Interim Bills & Unpaid Current Bills:

Linda Stopfel motioned to pay the paid interim bills as presented. Carol Eppley seconded the motion and the vote carried 4:0.

With respect to the unpaid bills presented for approval, Ken Hoover inquired about the proposed payment to Glen and Gloria Yeager. Shanemarie Ferguson indicated that it was a refund stemming from a rate misclassification that resulted in an overcharge to the Yeager's for street light taxes, per the tax collector. Ken Hoover then motioned to approve paying the unpaid bills as presented. Carol Eppley seconded the motion and the motion carried 4:0.

Financial Report: Chairman Bechtel noted that the March 2010 financial reports had been presented for review. Linda Stopfel inquired if the annual amount budgeted for the Comcast cable franchise fee had increased as the amount appeared to be greater than what she recalled. Shanemarie Ferguson indicated that she had made no modifications to any of the adopted budgeted figures and stated that the \$40K listed was taken directly from the adopted budget that Dave Hoover had generated.

SEO REPORT

Chairman Bechtel indicated that Mike Brown had submitted an SEO report for the month of March for the board's review.

PLANNING COMMISSION REPORT (Presented by Fred Ford)

Fred Ford indicated that at the April Planning Commission meeting Michael and James Bower appeared before the board to discuss plans for a potential outdoor wedding business. Furthermore, Fred noted that based on the information provided at the meeting he did not feel that the plan would be subject to the provisions of the Township's SALDO. However, he indicated the Planning Commission did recommend that the Bowers' initiate discussions with Michael Brown, SEO and PennDOT, to discuss potential sewage and driveway concerns and then return with a sketch plan based on their findings for further review by the Planning Commission.

Fred Ford then noted the welcoming of the two new Planning Commission members, Mark Reed and Randy Paul to the board. In addition, he noted that Mark Reed reported on an outdoor lighting meeting that he and Fred had attended on March 31st.

Finally, Fred indicated that due to the numerous uncertainties surrounding compliance with Act 24, The Appalachian Trail Act, the Planning Commission felt it was best to wait for further information before taking action.

SOLICITOR REPORT (Presented by Bruce Warshawsky – see attached)

Bruce Warshawsky noted his submission of his monthly report dated April 9, 2010, for review by the Board. He then noted that while not contained in his report, the Konchar matter was currently inactive and he recommended that the board take no action at this time.

Solicitor Warshawsky then noted that with respect to the Harn nuisance, the Sheriff's Sale had been scheduled for May 6th at 10AM at the Rutter Road residence.

With respect to Carolyn Nye's age discrimination claim, Solicitor Warshawsky noted that he had provided the board with the final draft of the answer to the complaint and response to the data request for documents for their review. In light of Chairman Bechtel having recused himself from the matter, he then recommended that another board member temporarily serve as Chairman to which Carol Eppley agreed. Upon the request of Linda Stopfel, an executive session was then held to discuss this matter further. The executive session, which included Sol. Warshawsky, Linda Stopfel, Carol Eppley and Ken Hoover, began at 7:35PM and concluded at 7:41PM. Ken Hoover motioned to have Bruce Warshawsky file both the answer to the complaint and the response to the data and document request. Linda Stopfel seconded the motion and the vote carried 3:0. Solicitor Warshawsky then noted that the associated fact finding conference was going to be held on May 7, 2010 and recommended that a motion be made to approve no more than 2 board members to attend this conference in order to avoid violation of the Sunshine Law. Linda Stopfel then motioned to have herself and Carol Eppley attend the conference. Ken Hoover seconded the motion and the vote carried 3:0. Carol Eppley then turned the meeting back over to Chairman Bechtel.

Following up on the Armstrong Valley Fitness light complaint, Solicitor Warshawsky noted that it was his understanding that the owner's of Armstrong Valley Fitness had in fact installed shields on their parking lot lighting. Linda Stopfel noted that Jennifer Lauden, who had initiated the complaint, indicated that she was satisfied with the actions taken by Armstrong to remedy the situation and thanked the board for their assistance in resolving the matter.

Solicitor Warshawsky then addressed the Township's response to correspondence received from PHFA, dated March 19, 2010, seeking information on Lenker property known as Quail Commons. He indicated that while the Township had noted that neither parcel listed had been approved for development, Mr. Lenker is suggesting that at least one parcel (29-020-001) listed on the application has in fact been approved by the Township. Solicitor Warshawsky then noted the need for the Township to revisit the parcels mentioned in the PHFA letter to determine if in fact the related plans were approved and then send out a supplemental letter to PHFA, based on those findings. Chairman Bechtel then asked Dale Shoop and Tom Wilson to research which if any of the corresponding plans have been approved.

ENGINEER REPORT (Presented by Tom Wilson – see attached)

Tom Wilson of K&W Engineers reviewed the services provided to the Township for the period: 02/27/10 – 03/26/10 as contained in the Engineer's Report dated April 1, 2010. He noted that the necessary amendments to the SALDO to insure compliance with the National Flood Insurance Program had been drafted and presented to the board, and he recommended that they be forwarded on to the Planning Commission for review and comment.

Tom Wilson also noted that K&W had prepared a signal permit drawing at the request of Cedar Shopping Centers, which has been submitted to PennDOT for review and includes a left-turn signal for South bound Route 225.

ROADMASTER REPORT (Presented by Dale Shoop)

In light of prior concerns expressed over the increasing use of Peters Mountain Road by tractor trailers, Dale noted that PennDOT has placed additional signage along 322, referencing Route 147 as an alternate route for these larger vehicles.

Dale then noted that a building permit requiring board approval had been submitted for a 40'X25' barn on Camp Hebron Road. He also indicated that the proposed location of the barn was in compliance with the setback requirements. Carol Eppley motioned to approve the permit. Linda Stopfel seconded the motion and the vote carried 4:0. In addition, Dale noted a permit for the installation of a 12X30 solar panel had also been submitted, but required no action by the board.

Dale then indicated that there were outstanding issues surrounding the driveway that was to be installed by Pat Kauffman, on property later purchased by John Heim. In addition, he noted a similar complaint and request for Township assistance pertaining to a driveway that was to be installed on Ebenezer Road. Dale asked the board to give indication as to whether the Township should be involved in handling the related disputes in light of the fact that the related development plans were approved upon the condition that the driveways would be installed. Discussion ensued. Solicitor Warshawsky then indicated that the only issue was whether or not the Township should file an enforcement action, to which he indicated could be filed against both former and current property owner, which would then become a private issue for the two parties to resolve. Chairman Bechtel then indicated the need to determine the specifics surrounding each of these complaints. Linda Stopfel then motioned to have Dale, Tom Wilson and Bruce Warshawsky work together to determine the facts and to contact the former Solicitor if needed so as to ensure a full understanding of the history of the Kaufman issue, as it has been on-going. Carol Eppley seconded the motion and the vote carried 4:0.

Following up on discussions last month surrounding the Fire Company's request to have the Township submit for a permit on behalf of the Fire Company to install needed pipe, Dale noted that Tom Wilson had advised against it in light of the maintenance obligation that would ultimately fall upon the Township as the permit holder. Chairman Bechtel indicated that he also did not feel comfortable putting the permit in the Township's name in light of the potential obligations for maintenance and repair associated with it.

Finally Dale noted that Spring Clean-Up had been scheduled for May 14th and May 15th from 7AM-5PM and 7AM-noon, respectively. In addition he noted that Rob Bowman had offered to collect tires for the Township at no charge to the Township. However, Dale noted that there would be a disposal fee collected from residents ranging from \$2-\$5 depending upon the size of the tires. Dale also noted that Hazelton Oil has again volunteered their services and will be providing receptacles for used oil, antifreeze and batteries and will dispose of these items at no charge as well. Linda Stopfel asked if Dale would be able to provide pick-up service this year, to which he indicated consideration would be given to calls received for assistance, but there would be no advertising for this service in light of the time and effort that it would require to meet every request for assistance.

ADMINISTRATIVE

- A. Larry Moore-Dauphin County Parks and Recreation-Music Festival:** Mr. Moore noted that DC Parks and Recreation would be working with Halifax Township again for the third year in a row to make the annual Music Festival at Ft. Halifax Park possible, which has been scheduled for July 17th. With respect to concerns presented during public comment period, Mr. Moore noted that plans have been made to alleviate the traffic problems that were encountered last year. In addition, he noted that the event does not generate a profit as ticket costs are kept at a minimum. Furthermore, he noted that the purpose of the event is to enhance quality of life through the enjoyment of the community's performing arts. Finally Mr. Moore indicated that brochures and the like with information on the Music Festival would be made available in May.
- B. Letter of Collateralization:** Chairman Bechtel indicated that the Township had received a letter of collateralization from Susquehanna Bank and would provide it to Solicitor Warshawsky to

have him provide an opinion on the security of Township funds in excess of \$250K, which are federally insured.

C. Approved Banking Signatures: Secretary Ferguson asked for clarification from the board as to who was to be approved for banking signatures in light of discussions surrounding the possibility of making changes to who would be approved. Linda Stopfel indicated that the board members, Secretary and Treasurer have always been approved to sign off on banking transactions. Given that a motion to that effect was made at the reorganization meeting, Chairman Bechtel noted only the need to follow-up with the bank to establish an updated listing of approved banking signatures to include the current board members, and Secretary Ferguson.

D. Medic 6 & HARA Distribution: Chairman Bechtel noted that the following disbursements had been made as budgeted for 2010:

- a. Medic 6 - \$ 4,000
- b. HARA - \$37,620

E. Maturing CD: Chairman Bechtel noted that Secretary Ferguson had provided the board members with information on different financial investment options and their associated interest rates. Chairman Bechtel then noted that at the last month's meeting the board had made a motion to invest the remaining funds from the CD that expired January 16, 2010 in an interest-bearing account that would provide for the highest rate of return through December 31, 2010. Chairman Bechtel then indicated that PSECU had the highest interest rate on a short-term CD as noted. Linda Stopfel then motioned to place both the remaining monies from the January 16, 2010 CD and the MidPenn Bank CD monies that will become available for reinvestment April 27, 2010 into a 6-month CD at PSECU for the duration of the year, assuming that it provides for the best rate of return. Carol Eppley seconded the motion and the vote carried 4:0.

F. Assistant Treasurer Appointment: Chairman Bechtel indicated the need for the board to take official action to appoint an Assistant Treasurer until the board had further opportunity to decide upon the actions to be taken to appoint an official Treasurer. Carol Eppley motioned to appoint Secretary Ferguson to serve as Assistant Treasurer, retroactive to March 8, 2010. Linda Stopfel seconded the motion and the vote carried 4:0. Linda Stopfel then motioned to approve an increase in the amount of bonding paid for by the Township to \$500,000 for Shanemarie Ferguson. Carol Eppley seconded the motion. Chairman Bechtel then noted that in light of the circumstances he was in agreement with paying for the bond at this time. The vote then carried 4:0. With respect to compensation, Carol Eppley indicated that she had no objection to the \$200/week that Gary Shultz had suggested in an e-mail. Linda Stopfel then stated that she had no objections either. Chairman Bechtel indicated that in light of the efforts put forth by Shanemarie Ferguson, he also did not object to this amount, at least in terms of interim pay. Linda Stopfel then motioned to compensate Shanemarie Ferguson in the amount of \$200/week for the Asst. Treasurer's position, retroactive to March 8, 2010. Carol Eppley seconded the motion and the vote carried 4:0. Carol Eppley then inquired if the position had been advertised for yet. Chairman Bechtel indicated that it had not and asked if it was something that the board wanted to address at the next meeting. Linda Stopfel asked if anything had to be done until next year. Solicitor Warshawsky noted that the provisions of Township Code could be interpreted to read that a vacancy in the Treasurer's position exists and as such, he suggested that the board move forward in appointing an official Treasurer. Chairman Bechtel then indicated that it was his preference to wait until next month when there was a full board to decide whether to advertise and to establish compensation. Carol Eppley indicated that she did not mind waiting until next meeting when a full board was present. Linda Stopfel noted that she saw no need to go through the expense and effort of advertising since she feels as though Shanemarie is capable of performing the job. Chairman Bechtel then indicated that he had hoped to have had a special open meeting to discuss this so as to not take up a great deal of time. He then reiterated his desire to have a full board present to discuss it and the board then agreed to place it on the agenda for discussion at next month's meeting.

G. Tenant Park Issue: Chairman Bechtel indicated that it had been brought to the board's attention that the Manning's now have a dog on the premise and as a result, the board is concerned for the safety of those that will come to utilize the park, since it is open to the public. Solicitor Warshawsky indicated the need to hear back from the Township's insurance company as to the effect, if any, on the Township's policy in light of the addition of the dog, noting that while the

lease does not explicitly prohibit dogs, it does however, prohibit the tenant from taking any action that would void or suspend the Township's insurance. In addition, Bruce noted that if rates were to increase as a result of the dog being on the premises, the tenant would be financially responsible for the rate increase. Secretary Ferguson indicated that while Tom Troutman had not received a firm answer from EMC with respect to the effect on the policy, if any, he did indicate that their initial recommendation was to require the tenant to remove the dog, stating that in the event of an injury, the Township could be held liable in light of its knowledge of the dog being present on the property. Mrs. Manning then stated that her insurance would cover any such injury. Chairman Bechtel reiterated his concerns with having a dog on property that is open to the public. Discussion ensued. Linda Stopfel then noted that members of the board were going to meet with Tom Troutman on Thursday and asked if a decision could be delayed until then when the board would likely have a response from EMC, and could make a decision based upon EMC's advisement. In the interim, she stated the need for the Manning's to ensure that the dog was kept on a leash when outdoors, as required under the Park Rules and Regulations, to which Mrs. Manning agreed. Solicitor Warshawsky then noted the need to provide a follow-up letter to the Manning's with the information that is forthcoming from the meeting with Tom Troutman on Thursday. Finally, Solicitor Warshawsky noted that the provisions of the lease (section 22) allow for the Township to make reasonable rules and regulations as deemed necessary.

H. Upper Dauphin Income Tax Office: Chairman Bechtel indicated that Carol Eppley had presented information to the board pertaining to UDITO. Carol Eppley then noted that the process of developing a county wide collection agency had already begun.

OLD BUSINESS

A. Cedar's Left Turn Signal – Dale Pears: For sake of expediency, Dale Pears indicated that he had asked K&W to include a left-turn signal heading South bound onto Route 225 in the plans submitted to PennDOT at Cedars expense. He then indicated that it was for the board to decide if they were going to be willing to pay for the physical improvements to the signal, for which Tom Wilson estimated the cost to be approximately \$5000. Dale Shoop indicated that PERQS had provided him with an estimate of \$2700 for both the light and its installation, noting the wiring loop was already in the road and it would simply be a matter of installing the light. Linda Stopfel then inquired of the impact on other signals and the corresponding effect on traffic in those locations. Discussion ensued. Tom Wilson asked for clarification on how Dale Pears expects to proceed with the cost-sharing if the Township was in fact willing to pay for the physical improvements to the signal? Dale Pears indicated that this work would go out for bid and that Cedar's would oversee the completion of all work related to the signal. Moreover, Mr. Pears indicated that he would be willing to agree to an amount proposed by PERQS for the work, since they are familiar with the signal. Linda Stopfel then asked if the decision could be tabled until next meeting, so that the board would have ample time to ensure that they knew what the cost to the Township would be. Chairman Bechtel then asked Mr. Pears if this would pose a problem for him to which he indicated that he did not mind waiting, but noted that the signal plan was the last item needed to obtain a HOP and that the HOP was the last item needed to record the plan. Chairman Bechtel then indicated that the board would provide a definitive answer at next month's BOS meeting.

B. Planning Commission Vacancy: Chairman Bechtel indicated that the Township had received an application from Steven Sipe for the remaining Planning Commission vacancy following the application deadline. Ken Hoover motioned to appoint Mr. Sipe to serve on the Planning Commission for the duration of the vacant term, to expire on 12/31/2011. Carol Eppley seconded the motion and the vote carried 4:0.

NEW BUSINESS

A. Liquid Fuels Resolution: Chairman Bechtel indicated that Secretary Ferguson had presented the board with a request to grant approval to submit all future liquid fuels reports electronically, which requires the adoption of a liquid fuels resolution. Linda Stopfel motioned to adopt the required resolution as presented. Carol Eppley seconded the motion and the vote carried 4:0.

B. Source Water Protection Plan Ordinance: Planning Commission Chairman Fred Ford indicated the need for the board to give consideration to a Source Water Protection Plan Ordinance to protect the area's water supply. He noted that HAWASA has been working with DEP and others over the past 18 months to develop a source water protection plan that would aim to protect wells 1,2,3 and 4 as well as springs 1,2,3,5 and 6. In working towards this, Fred noted that all potential sources of water contamination had been identified and that measures were going to be taken to educate others on the potential hazards of these contaminants. He then noted that HAWASA's engineers were reviewing the plan and that a sample ordinance would be forthcoming for review by HAWASA's Solicitor. Following the Solicitor's review, Fred indicated that the proposed ordinance would then be presented to the Township for consideration. Linda Stopfel applauded the efforts being put forth by HAWASA to protect the area's water supply. In addition, she indicated the need for the board to act swiftly in establishing and implementing a hazardous waste ordinance as well in order to preserve property values and the corresponding funding for local schools that real estate taxes provide. Furthermore, she indicated that Robert Hassinger, School Superintendent for the Halifax School District, expressed a similar sense of urgency in implementing a hazardous waste ordinance, noting that if property values were to decline, the associated decreases in school funding could cause the school district to be closed. Finally, Linda noted that county and state officials have indicated that this is a local matter that requires action from the local municipalities to protect its residents. She then asked the board to take immediate action on this issue. Solicitor Warshawsky then recommended that any such ordinances be integrated into the Township's SALDO when possible for greater ease of application and oversight. Discussion ensued. Chairman Bechtel inquired if any formal action was required to have the Planning Commission proceed with the development of a hazardous waste ordinance to which Sol. Warshawsky stated that there was not. Fred Ford then indicated that the Planning Commission would be willing to proceed with this project, but asked that the board be certain of their desire to move forward with the development of the hazardous waste ordinance, noting that he did not want to see the Planning Commission invest their time and energy only to have nothing come of it as with the Wind Energy Ordinance.

ANNOUNCEMENTS:

Chairman Bechtel noted that on April 29, 2010, the Municipal Building office hours would be from 9AM-12:30PM to allow Secretary Ferguson to attend a training seminar during the latter part of the day.

In addition, he indicated that the bulletin board now contained items pertaining to the Valley's Regional Comp Plan for viewing.

Chairman Bechtel then announced the following upcoming meetings:

Valley's Regional Comprehensive Plan Meeting (Rush Twp)	April 13, 2010 7PM
Ft. Halifax Park Master Site Plan Committee Meeting	April 15, 2010 7PM
Planning Commission Meeting	May 3, 2010 7PM
Township BOS Monthly Meeting	May 10, 2010 7PM

Linda Stopfel noted the following activities with respect to the Ft. Halifax Park Festival:

April 30 th	Reserved for the Halifax Elementary 5 th graders who would be participating in educational activities led by the Augusta Regiment.
May 1 st :	Open to the public 10AM-6PM
	12PM Performance by Family Circle
	1PM Reenactment of French and Indian War
	4PM Performance by Lykens Valley Blue Grass Band

Dale Shoop then stated that the park tenants' dog was in fact aggressive and was not always being kept on a leash as stated. Chairman Bechtel then expressed his concerns over the dog being territorial of an area that is open to the public.

ADJOURNMENT: The board then motioned to adjourn the meeting at 9:40 PM.

Respectfully submitted,

Shanemarie Ferguson
Township Secretary