

Halifax Township
Board of Supervisors
Monthly Business Meeting
May 10, 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 and Gary Shultz were present. K&W Engineer Tom Wilson, Solicitor Bruce Warshawsky, and Secretary Shanemarie Ferguson were also present. Roadmaster Dale Shoop was absent.

Chairman Bechtel announced that an executive session was held earlier in the evening from 6-6:45PM to discuss litigation matters. He also noted that in addition to the entire board being present, Tom Wilson, Bruce Warshawsky and Fred Ford were also in attendance.

Supervisor Stopfel indicated that she was audio taping the meeting.
Donna Rode indicated that she was videotaping the meeting.

Public Comment Period:

- A. Rodson Campbell of Patriot Energy:** Presented the board with a quote for electric generation prices from an alternative energy provider. The fixed rates presented for board consideration were \$.0804, \$.0822 and \$0837 per kWh, with a term of 12-, 24- or 36-months respectively. Discussion ensued. Solicitor Warshawsky then indicated the need to look into any potential bidding requirements that the board would be required to adhere to before making any contractual decisions as he was not certain as to whether or not a contract of this nature would be subject to competitive bid. Mr. Campbell then indicated that he would follow up with Secretary Ferguson as to the direction to be taken by the board.
- B. Flo Mallonee:** Reiterated her concern for the safety of commuters turning left onto Parmer Drive without a southbound left turning arrow being in place. Furthermore, she emphasized the financial feasibility of having the light installed at this time given the offer put forth by Dale Pears of Cedar's Shopping Centers to co-share in the associated costs and urged the board to approve its installation.
- C. Michael Sweigard:** Indicated that it was his understanding that the Township had reopened discussions with Lenker to resolve the outstanding issues surrounding a development plan he had proposed that had formerly been denied by the Township. Mr. Sweigard stated that the plan as it stands allows for the discharge of stormwater onto his property at a location that he claims is erroneously referred to as a natural water course by Lenker's engineers, when it is in fact an old road. Furthermore, Mr. Sweigard stated that no such natural water course exists anywhere on his property for which he suggests was confirmed by Ken Bechtel at the December 10, 2000 Board of Supervisors meeting. Mr. Sweigard then argued that per the provisions of the Township's own subdivision and land development ordinance (Section 507.6.y), Mr. Lenker must be able to secure an easement agreement with an adjoining property owner such as himself, given that the plan will create more water post-construction and the fact that there is not a natural water course on the property to discharge it into. Mr. Sweigard then indicated that if the plan is approved without requiring Mr. Lenker to adhere to stormwater management requirements of the SALDO, he will hold the Township Supervisors accountable since they were made aware of the run-off issues and the associated potential to cause damage to adjoining properties prior to approving the plan.
- D. Kermit Masser:** Declined to comment.
- E. Donna Rode:** Deferred to comment.

- F. Eileen Snyder:** Mrs. Snyder stressed the need for the proposed planting of sycamore trees to occur far enough back off of the right-of-way so as not to be a visual hazard, stating that if planted in the right-of-way, the trees would only add to the difficulty of detecting on-coming traffic in order to pull in to and out of her driveway safely.
- G. Brad Bruner:** Declined to comment.
- H. Kenneth Masser:** Noted that he owns property adjoining Lenker Estates development and indicated that he has been tolerating run-off from the development's water tank on top of the hill as well as the access road leading to it for approximately nine years. Mr. Masser also indicated that he was told that the problem would be addressed when the land surrounding the water tank was developed. He then asked for the board to give indication of what if anything is being done (or will be done) to address this problem since this particular plan proposes to develop this area. Furthermore he asked the board to indicate who would be responsible for any additional run-off created by the future development being proposed and the time frame by which corrective measures would need to be taken. Finally, he asked if he would be required to grant permission to the developer to either access his property or do any type of work on his property to complete the proposals of the plan if approved.

SECRETARY REPORT

Ken Hoover motioned to accept the April 12, 2010 minutes as presented. Carol Eppley seconded the motion and the motion carried 5:0.

TREASURER REPORT

Paid Interim Bills & Unpaid Current Bills:

Gary Shultz motioned to approve the paid interim bills as presented. Carol Eppley seconded the motion and the vote carried 5:0.

With respect to the unpaid bills presented for approval, Ken Hoover inquired of the annual web-hosting fee payable to Ender's Technology. Shanemarie Ferguson indicated that in addition to the monthly maintenance fee, the Township was charged annually for the general web-hosting services provided by Enders Technology. Ken Hoover then motioned to approve for payment the unpaid bills as presented. Carol Eppley seconded the motion and the vote carried 5:0.

Financial Report: Chairman Bechtel noted that the April 2010 financial reports had been presented for review. He also noted that Secretary Ferguson had indicated that there was a new account on the Balance Sheet, titled Capital Improvements Fund, which would be used to earmark future Comcast Franchise Fees received for capital improvement needs as decided by the board at its March 8th, 2010 meeting.

SEO REPORT

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

PLANNING COMMISSION REPORT (Presented by Fred Ford)

New Planning Commission Member: Steven Sipe, the newly appointed Planning Commission member, was welcomed to the PC board at its May 3, 2010 meeting.

Dauphin County Outreach Meeting/Floodplain Ordinance: Fred Ford and Mark Reed attended the Dauphin County outreach meeting. Dauphin County noted the need to adhere to any and all applicable recommendations put forth by FEMA in developing a floodplain ordinance in order to ensure compliance with FEMA guidelines and to prevent any delays in securing flood disaster funding and/or reimbursement in case of such an event.

Hazardous Waste Ordinance: In response to the board's authorization to have the Planning Commission begin a review of hazardous waste ordinances, initial research was conducted and the Planning Commission concluded that any regulations and corresponding oversight for hazardous waste sites appear to be the domain of federal and state agencies such as EPA and DEP. As such, Chairman Ford indicated the need to obtain additional information from the board and the oversight agencies before further pursuing the development of a hazardous waste ordinance for the Township in order not to expend their efforts on something that appears to fall under state and or federal jurisdiction.

Bowers Proposed Wedding Facilities: Chairman Ford indicated that following further review of the SALDO, it was his opinion that the wedding tent facility proposed by the Bowers' did not constitute either a subdivision or land development and as such would not likely be subject to the provisions of the Township's SALDO. Solicitor Warshawsky then noted that the Bowers' were to have discussions with PennDOT and the Township's sewage enforcement officer, which could result in a plan submittal that would be subject to review and approval by the Township.

Act 23 of 2009: The Appalachian Trail Act (formerly Act 24 of 2008): In light of the uncertainties surrounding complying with the requirements of the Act, Fred Ford reiterated that the Planning Commission is waiting for additional information before it will proceed to develop any related compliance measures.

SOLICITOR REPORT (Presented by Bruce Warshawsky – see attached)

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

Tobias v. Halifax Township: Sol. Warshawsky noted that while Tom Wilson had provided Tobias' legal counsel with a possible remedy to the runoff issue in a letter dated February 9, 2010, nothing has been resolved to date. Furthermore he noted that Township Counsel, Anthony Sherr recommended that the board take no further action and simply wait for further correspondence from Mr. Tobias' counsel.

Clifford and Katherine Harn: Sol. Warshawsky indicated that the Harn Sheriff Sale that had been scheduled for May 6th was stayed as a result of the Harn's filing for bankruptcy on May 5th. Furthermore, he indicated that in his opinion it was unlikely that the Township would collect on their outstanding clean-up fees, stating that such fees would either be discharged in bankruptcy or would be paid to creditors on a pro-rata basis. However, he noted that if the condition of the property still poses a nuisance beyond the date of bankruptcy, which was May 5, 2010, the Harn's can be cited for an additional violation of the Township's nuisance ordinance. Discussion ensued and the board agreed that the current condition of the property was by no means satisfactory. Gary Shultz then motioned to send a post bankruptcy notice to the Harn's notifying them that they again are in violation of the Township's nuisance ordinance. Linda Stopfel seconded the motion and the vote carried 5:0.

Casner Judicial Sale: Sol. Warshawsky noted that the Casner Judicial Sale was scheduled to occur the following Monday, on May 17, 2010.

DONCO Development Issue: Sol. Warshawsky noted that he had received correspondence from both DCCD and Mr. Lenker in which it was indicated that Mr. Lenker was working with DCCD to address some of the stormwater runoff problems referenced in Tom Wilson's memorandum, dated October 20, 2009. More specifically, it was indicated that Mr. Lenker agreed to resolve these items by 05/19/10, weather permitting. Sol. Warshawsky then noted that the issues to be addressed by this date will not resolve all of the stormwater runoff issues. However, Mr. Lenker indicated that he would address the remaining items following adequate resolution of those items requiring remedial action by DCCD.

Manning Lease: Following up on last month's discussions surrounding concerns associated with the Manning's pit bull, Sol. Warshawsky noted that EMC, the Township's insurance provider, advised the Township to require the dog to be removed from the premises permanently to avoid any liability. Chairman Bechtel then noted that at the last meeting Mrs. Manning was asked to be sure that the dog was

kept on a leash at all times when outdoors. However, he noted that since that meeting, Dale has encountered the dog running loose on the property on a couple of occasions. He then stated that if the dog is to remain on the premises it must be kept on a leash at all times as discussed. Gary Shultz then stated that he would prefer that the dog not be on the premises in light of the potential liability to the Township. Carol Eppley then stated that she was concerned that this might appear to be an inconsistent application of park rules since the Township does not prohibit dogs from being on park property when leashed. Sol. Warshawsky then indicated that if the Township determines that it's necessary to impose certain rules and regulations to ensure public safety, it has the authorization to do so under Section 22 of the lease. Sol. Warshawsky then stated at the very least, the Manning's should be required to adhere to the same rules as the public which would require them to keep their dog on a leash at all times. Discussion ensued. In light of the fact that formal correspondence had not been sent to the Manning's stipulating that their dog be kept on a leash at all times, Gary Shultz motioned to generate and send correspondence to them to that effect. Ken Hoover seconded the motion and the vote carried 5:0.

Treasurer Vacancy: Sol. Warshawsky indicated that there has been no change with respect to the vacancy in the Treasurer's position. In addition, he stated that in his opinion the current situation was tenable and could be left as is, with the Assistant Treasurer serving as Treasurer until an official appointment is made, if so desired. Otherwise, he noted, the board could take action to officially appoint a Treasurer or take action to advertise the vacancy. Carol Eppley then indicated that she did not feel that there was a need to advertise for the position, stating that Shanemarie Ferguson had proved herself more than capable of handling the responsibilities of both the Treasurer's and Secretary's position and as such, she expressed her preference to officially appoint Shanemarie Ferguson to serve as Township Treasurer. Linda Stopfel expressed the same. Gary Shultz then indicated that while he appreciated what Shanemarie has done, it was his preference nonetheless to advertise for the vacancy. Ken Hoover then stated that he would like to see Shanemarie Ferguson stay in the position. However, he noted that he felt that compensation at the rate of \$200/week was a little high. Chairman Bechtel then indicated that although he felt Shanemarie Ferguson had done an admiral job in serving in this capacity, he was also not comfortable with paying her \$200/week to perform the Treasurer's function. Discussion ensued. Linda Stopfel then motioned to appoint Shanemarie Ferguson to serve as the official Township Treasurer, with her salary to be negotiated. Carol Eppley seconded the motion. Chairman Bechtel then indicated that he was not in favor of any motion that did not provide for a specific dollar amount. Carol Eppley then asked him to give indication of a dollar amount he was comfortable with, to which he indicated that he had an approximate figure of \$150/week in mind. Donna Rode then stated that while she also felt that Shanemarie had done a phenomenal job, she felt that the position should be advertised for so as to be consistent with the requirement to advertise for all other vacancies and to ensure transparency. Discussion ensued. Linda Stopfel then offered an amended motion to include a salary of \$150/week for the position. Carol Eppley then seconded the motion to appoint Shanemarie Ferguson to serve as the official Township Treasurer at a rate of \$150/week. The vote then carried 3:1:1 with Gary Shultz objecting and Ken Bechtel abstaining.

Fire Service Agreement: Sol. Warshawsky noted that the Fire Service Agreement was ready for board approval. Township EMC and Fire Department volunteer, Charlie Bisking then indicated the need to modify the language in the contract as it pertains to the dissolution of the Fire Department, stating that the language should mimic that which is contained in the Fire Department's by-laws. Sol. Warshawsky then asked Charlie to provide him with the specific language desired so that he could make the necessary revisions and have the agreement ready for board approval at next month's meeting, to which Charlie agreed. Chairman Bechtel then noted that the effective date of the agreement is July 1, 2010 and asked if signing the agreement after this date posed any particular concerns, to which Sol. Warshawsky indicated it did not as there were no significant changes made to the agreement.

Letter of Collateralization: Sol. Warshawsky noted that he had reviewed the letter of collateralization provided by Susquehanna Bank and indicated that he felt that the collateral was sufficient at this time to cover the deposited funds in excess of the \$250,000 insured by the FDIC. However, he noted the need to require the bank to provide either an annual or semi-annual notice of collateral on hand so that the Township could intermittently review the security of these funds. The board then agreed to request a semi-annual notice for review.

ENGINEER REPORT (Presented by Tom Wilson – see attached)

Tom Wilson of K&W Engineers reviewed the services provided to the Township for the period: 03/27/10-04/30/10 as contained in the Engineer's Report dated May 6, 2010. He noted that engineering services were provided with respect to the following: (1) FEMA map revisions and the development of a floodplain ordinance, (2) PennDOT permit application for Halifax Commons traffic signal and (3) review of Accumold Tool's amended As-Built Plan. No action was required by the board.

ROADMASTER REPORT (Reviewed by Chairman Bechtel)

Chairman Bechtel indicated that Dale Shoop had included for discussion on his report, driveway construction on Fuhrman Drive and Ebenezer Road. Noting that Dale had met with both Bruce Warshawsky and Tom Wilson to discuss these matters, he asked that they bring the board up to date on their discussions, in Dale's absence. With respect to **Fuhrman Drive, or the Kauffman/Heim issue**, Sol. Warshawsky indicated that while the board was not required to take any action, if it was so inclined to involve itself in this issue, its only course of action would be to enforce the current property owner, or Mr. Heim, to satisfy the provisions of the plan and install the driveway. However, Sol. Warshawsky noted that while PennDOT had formerly approved the driveway, it now appears to be somewhat reluctant to reissue the required HOP. He then noted that the alternative would be for Mr. Heim to seek permission from all landowners upstream from him to use Fuhrman Drive to access his property. Sol. Warshawsky then stated that in his opinion, the best approach would be to have further discussions with Mr. Heim to see if he would prefer to attempt to secure access permission from his neighbors, than to be the subject of an enforcement action by the Township. Linda Stopfel then questioned Mrs. Kauffman's obligation in this as the developer, noting that the plan was approved by the Township with the contingency that the developer provide this driveway. Sol. Warshawsky stated that the deed acts as a merger of any and all agreements made between Mrs. Kauffman and Mr. Heim, and the deed itself transfers all rights and obligations associated with the property to the new owner. However, he noted nonetheless, that Mr. Heim could pursue a private action against Mrs. Kauffman if he so chooses. Discussion ensued. The board then agreed to have Dale meet with Mr. Heim to discuss his options.

With respect to **Ebenezer Road or the Hableib issue**, Solicitor Warshawsky indicated that Mr. Hableib no longer wants his lane to be utilized by his neighbor to access the road. However, the subdivision plan simply grants this neighbor the right to create driveway access to the road but does not require it. Thus it was concluded that this is a personal matter for which there is no potential enforcement action to be taken by the Township as in the case of Fuhrman Drive. Mr. Hableib was informed by Dale that this was a personal matter. However, he was advised that he could shut off this access, thereby forcing the neighbor to utilize his own road frontage to access the road.

Finally, Chairman Bechtel indicated that Dale had mentioned in his report the need for the board to give immediate consideration to the **replacement of the Township's backhoe** as it continues to be a safety hazard for those utilizing it. Furthermore, he noted that Dale had received a quote from Plasterer Equipment Company for a new John Deere 310 backhoe for a cost of \$67,999, which includes the trade-in value for the old backhoe. Chairman Bechtel then noted that the price quoted was secured through the state's Co-Star program and as such the purchase of the equipment was not subject to competitive bid. Gary Shultz noted that the need for a new backhoe and discussions surrounding its purchase had been going on for some time and felt that it was time to act. He then motioned to utilize funds from the general fund to purchase the John Deere 310 backhoe from Plasterer Equipment Company for the quoted price of \$67,999. Ken Hoover seconded the motion. Linda Stopfel then noted that Liquid Fuel monies could be utilized for this purchase. Chairman Bechtel indicated the need to preserve those monies for roadwork. In addition, he noted that franchise fees from Comcast, totaling \$9663 have already been earmarked for capital improvements. Secretary Ferguson then noted that the Township was scheduled to receive franchise fees for 1st quarter 2010 which could be utilized as well. Discussion ensued. Chairman Bechtel then reiterated the motion on the floor to purchase the backhoe and called for a vote. The vote carried 5:0.

ADMINISTRATIVE

- A. Money Market Account:** Chairman Bechtel noted that while the board had made a motion to invest the monies from the CD's that matured January 16, 2010 and April 27, 2010 (less the amount utilized to pay off the Park mortgage), totaling \$210,713.04, into a 6-month CD with PSECU, the Township did not meet the credit union's qualifications. Accordingly, alternative investment options were looked into and the board decided to place these monies into a Money Market account with Susquehanna Bank, where it's scheduled to earn a fixed interest rate of 1.5% APR through August 2, 2010 and then a variable rate thereafter which has been averaging .95% annually over the last few months.
- B. Contribution – Raymond Maus:** Chairman Bechtel indicated that Jennie Maus, wife of long-time employee Raymond Maus had passed away last week and asked if the board would like to make some kind of contribution. Carol Eppley asked if the contribution was to be in lieu of flowers. Secretary Ferguson indicated that Dale had sent out an email suggesting a monetary contribution be made as he thought Raymond would find it to be more beneficial than flowers. Linda Stopfel noted that she had spoken with Jennie's children to see if there was anything the Township could do and they indicated there was nothing at this time, but would be in touch if there was a need. Concerned that a monetary contribution might be somewhat offensive to Raymond, Linda Stopfel recommended that the board table any action until next month, when it could be determined if there was such a need. The board then decided to take no action at this time.
- C. Outstanding Solicitor/Engineering fees due from applicants:** Secretary Ferguson indicated that she had been working with Solicitor Warshawsky to collect upon outstanding legal and/or engineering fees from plan applicants. In light of the fact that some of the outstanding fees were less than the fee charged to the Township by the Solicitor in an attempt to collect upon them, Secretary Ferguson asked if the board wanted to continue to have Bruce attempt to collect on these accounts, especially given that prior attempts had been made by both the former Solicitor and the current Solicitor, with no success. Discussion ensued. Solicitor Warshawsky then indicated that while he did not suggest that the board agree to write-off these debts due to the precedence that it would set, he did suggest that the board direct him to no longer pursue collections on these accounts, to which they agreed.
- D. Review of Park Rules and Regulations:** Gary Shultz indicated the need to renegotiate the Township's ability to farm the Park property, in light of the maintenance costs alone. He argued that the farming of the land, which formerly brought in \$10,000 annually, would help to not only offset the maintenance fees, but also could be utilized to develop the park over time, which would prevent the use of taxpayers monies for such purposes. Linda Stopfel then noted that legitimate attempts to prolong the farming of the property had already been made including an attempt by Carol Witzman of DCNR. However, she indicated that DCNR held firm with its restrictions on what could be done with the property. Gary Shultz noted that he had discussions with Salen Stover of DCNR as well regarding the financial hardship that this restriction was creating for the Township, yet she offered no assistance. Gary then indicated that this was not a satisfactory conclusion in light of the financial obligations that the Park was creating for the Township. Discussion ensued. Donna Rode then volunteered to organize a citizens committee to research and pursue potential remedies for the Township. Chairman Bechtel asked if the board had any objections to allowing this group to proceed. Linda Stopfel indicated that she was opposed to the idea, noting that DCNR had already responded to this request, and was concerned that any further insistence might make DCNR look less favorably upon the Township when pursuing additional funding for Park development. Chairman Bechtel then indicated that the maintenance of the Park was only going to cost the Township more and more over time as it gets developed and utilized, thereby requiring additional full-time maintenance staff, for which he noted grant funding was not going to be available. Carol Eppley then noted that Carl Dickson had expressed an interest to Jim Eppley in running the Park. Linda Stopfel countered saying that the Commissioners had absolutely no interest of any sort in the Park. Chairman Bechtel then noted that the board has no control over citizen committees and indicated that they could proceed with such pursuits if they so desired.

- E. Trespassing at Park:** Linda Stopfel noted that during the Park Festival it was discovered that a race track for ATV's has been developed on Park property. Moreover, she noted that trees were cut down in the process. In light of unauthorized vehicles being restricted from use on park property, the board discussed possible remedies. Sol. Warshawsky recommended contacting the state police. The board then decided to have Dale contact the state police to notify them of the problem and see if they could provide any kind of guidance on a potential remedy.
- F. Invitation to meet with Larson Design:** Gary Shultz indicated the need for the entire board to meet with Larson Design to discuss the plans surrounding the development of the Park's buildings so as to ensure that their direction is consistent with the desires of the board. Carol Eppley then stated that the building envelope is not part of the Master Site Plan as it was not contained in the Request for Proposal. Gary then inquired as to why it had been part of the discussions at the Master Site Plan meetings. Linda Stopfel then noted that often times the group had discussions about the buildings but had to be reminded that the buildings were not part of the Master Site Plan as the associated grant monies were not related to their development. With respect to meeting with Larson Design, Carol Eppley noted that per the agreed upon proposal, Larson design was only obligated to meet twice with the board to present the draft plan and seek input, which could occur sometime this year. Moreover, she noted that the board itself had the final approval on the direction to be taken. Discussion ensued. Chairman Bechtel then indicated the need to ensure that Larson Design maintains its proper focus in developing the Master Site Plan.
- G. Treasurer Vacancy:** Discussed under Solicitor's Report (see above)
- H. Tenant/Park Issue:** Discussed under Solicitor's Report (see above)
- I. Fire Services Agreement:** Discussed under Solicitor's Report (see above)

OLD BUSINESS

- A. Left Turn Signal: Parmer/Rte225:** Chairman Bechtel noted that at last month's meeting, the board indicated that it would provide a definitive answer as to whether or not it would be willing to co-partner with Cedars Shopping Center in the installation of a left-turn signal heading southbound onto Parmer Drive. Specifically, he noted that it was for the board to decide if it would be willing to pay for the physical improvements to the signal as Dale Pears indicated that Cedars Shopping Center would be willing to pay for the related engineering and permit fees, as well as oversee the completion of all work related to the signal. He then noted that Dale Shoop had confirmed a cost of \$2700 for the signal head and its installation, with the agreement being that upon PennDOT approval of the permit, and following the installation of the signal, the Township would reimburse Cedars an amount of \$2700. Ken Hoover motioned to co-partner with Cedars in the installation of a left-turn signal onto Parmer Drive at a cost of \$2700, assuming PennDOT approval. Gary Shultz seconded the motion. Discussion ensued. Linda Stopfel then noted that while she saw the benefit for traffic heading southbound onto Parmer Drive, she was concerned that the installation of this signal would cause a delay to traffic heading northbound from Route 225. Furthermore, she wanted it to go on record that in PennDOT's assessment, the signal was not warranted. Gary Shultz then noted the potential cost savings to the Township if installed now, in light of the generous offer put forth by Dale Pears. The vote then carried 5:0.

NEW BUSINESS

- A. PSATS Convention:** Linda Stopfel noted that while at the PSATS convention she was made aware of the momentum building behind House Bill 2431 which aims to do away with local government and rely on county government in order to save taxpayers money. She then indicated that PSATS is greatly opposed to this idea and is fighting it.
- B. Michael and James Bower – Wedding Facility:** Reviewed their proposed plan for a wedding facility with the board. They also noted that they had already contacted Township SEO, Michael Brown and PennDOT to discuss potential sewage and driveway concerns upon the recommendation of the Planning Commission. In addition, they noted that their engineer

had advised them to seek input on the following issues before proceeding with the development of a formal site plan for review by the Township:

- a. **Wetland Delineation:** Tom Wilson indicated that because there was no proposed earth disturbance, a request for waiver of the related SALDO requirement could be made and if granted, the engineer would only need to note that the wetlands are not being disturbed on the plan.
- b. **Floodplains:** Tom Wilson indicated that since there is no proposed activity to occur near the floodplains located on their property, the elevation of the floodplain would simply need to be delineated on the plan.
- c. **Parking lot surface material and stormwater management:** In light of the Bowers' concern for minimizing their financial risk at the onset, while needing to be able to accommodate increased parking as their business grows, Tom Wilson recommended that they plan for asphalt so that the stormwater management is sufficiently addressed and will accommodate future growth. Furthermore, he noted that this would not prevent them from being able to use a less costly parking surface material like grass or stone at the onset. Sol. Warshawsky then noted that they would still be required to post the bond for stormwater management, but could petition to have that portion of the bond returned if they decide not to install it.

Chairman Bechtel thanked them for their presentation and noted that the board would wait to hear back from them.

- C. **Michael Baer – Water Issue:** Mr. Baer expressed his concerns over the drainage issues occurring at his property on Pawnee Lane. Since moving there in December of 2002, he indicated that his basement has flooded 4-5 times and his yard ten. He stated that the debris located on Lenker property continues to impede the natural flow of water, resulting in additional flow in his direction. He then noted that the entire sheet flow starting from behind the apartment complex at the beginning of Pawnee Lane enters into the drain beside his driveway. Mr. Baer then stated that while Dale Shoop has suggested that it's his responsibility to find a remedy since the drain is on his property, he feels otherwise since neither the deed for his property or the associated subdivision plan suggests that there should be an easement on his property. Sol. Warshawsky then indicated that there is a private pipe that leads into a Township connection at that particular drainage easement that might be the source of the problem and as such would not be the responsibility of the Township. He then indicated the need for Mr. Baer to engage an engineer to determine if the private pipe is undersized and/or if the connection to the Township's pipe or the Township's pipe itself is substandard which would be the Township's responsibility. Tom Wilson also noted that Mr. Baer's inlet might not be adequately sized. Mr. Baer then stated that per discussions with Dale, the Township had fixed a pipe on private property in the same subdivision, and asked why he would not be given the same treatment. Sol. Warshawsky indicated that he was neither aware of that fact nor the circumstances surrounding the Township's involvement and thus could not comment on it. Discussion ensued. The board then decided to have Dale investigate and document the debris on Lenker property and if it's determined that the debris is blocking the flow of water, a notice of violation of the nuisance ordinance will be sent to have it abated. Chairman Bechtel then reiterated the need for Mr. Baer to consult with an engineer to determine if his pipe and/or inlet are sufficiently sized and/or in need of repair. Sol. Warshawsky noted again that if it's determined that either the Township's connection or the pipe itself is substandard, the Township would be responsible for such costs or some form of cost division would be derived based on a proportionate share of the linear feet involved. Mr. Baer reiterated that he did not feel that the drain on his property was his responsibility especially since another drain in the same subdivision was fixed by the Township. Sol. Warshawsky indicated that this could be brought before the board again once they had time to review the circumstances under which it was done. The board then recommended that Mr. Baer follow up with Dale.

ANNOUNCEMENTS:

Chairman Bechtel announced the following upcoming meetings/events:

VRCP Meeting	May 11, 2010 7PM (Halifax Twp)
Spring Clean-up	May 14, 2010 7AM-5PM
	May 15, 2010 7AM-noon
Planning Commission Meeting	June 7, 2010 7PM
Township BOS Monthly Meeting	June 14, 2010 7PM

ADJOURNMENT: Linda Stopfel then motioned to adjourn the meeting at 10:20 PM. Carol Eppley seconded the motion and the vote carried 5:0.

Respectfully submitted,

Shanemarie Ferguson
Township Secretary