

Halifax Township
Board of Supervisors
Monthly Business Meeting

July 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 and Gary Shultz were present. K&W Engineer Tom Wilson, Solicitor Bruce Warshawsky, Roadmaster Dale Shoop and Secretary Shanemarie Ferguson were also present.

Carolyn Nye indicated that she was video taping the meeting.
Dan Shearer indicated that he was audio taping the meeting.

Chairman Bechtel then noted that the bids for the 2010 Paving Project had been received and were scheduled to be opened at 7PM. He then proceeded to open the bids and noted that the bids submitted were for the following amounts:

Meckley's Limestone	\$144,093.78
Handwerk	152,285.46
Eastern Industries	138,782.00

He then turned the bids over to Roadmaster Dale Shoop for further review.

Public Comment Period:

- A. Corrine Gelnett:** noted that she was present at last month's meeting when Supervisor Stopfel and Supervisor Eppley left the meeting amidst discussions of Ft. Halifax Park. She then suggested that they resign, if unable to withstand dissension on issues from others.
- B. Jeff Warfel:** noted that he was present on behalf of Halifax Fire Department. He then stated that the Fire Department had reviewed the language contained within the dissolution clause and was satisfied with the content. He then indicated that he was prepared to sign off on the Fire Service Agreement. Solicitor Warshawsky noted that Fire Service Agreement was on the agenda for discussion and the board elected to postpone the discussion until then.
- C. Patricia Powley:** expressed concern again over the condition of the entrance-way into the recycling center near Deppin Park, stating that the rain creates a gully there that causes damage to the exterior of her car. She then indicated that while she had been told the recycling center was located within Halifax Borough and thus was their responsibility, she stated that the recycling sign itself was located within the Township and as such she believes it to be the Township's responsibility.
- D. Eileen Snyder:** In anticipation of discussion surrounding the future of the barn at Ft. Halifax Park, Ms. Snyder asked that the board keep in mind the potential for floodwaters to consistently require that the barn undergo repairs in light of its location in the flood plain.
- E. Brad Bruner:** stated that he felt it was inconsiderate of Supervisors' Stopfel and Eppley to have left the meeting during Donna Rode's commentary on matters pertaining to Ft. Halifax Park and asked that they provide an explanation as to why they left as well as an apology. Carol Eppley then indicated that she felt there to be a number of misrepresentations put forth that she found to be insulting and decided that it would be better to leave than to argue the point. Linda Stopfel did not comment.
- F. Flo Mallonee:** suggested that it was an ideal time for the Township to rid itself of its landlord responsibilities in light of the Park tenant's having vacated the rental properties. Moreover, she suggested that the Township had already proved itself to be unfit in managing these properties and

noted that this would allow the board to focus its efforts exclusively on Township business as intended.

She then commented on an article in the Patriot news, stating that even amidst reductions in public services and layoffs of public employees, legislators are still tapping into the pool of grant monies to foster political support, which she denounced.

- G. Daniel Shearer:** noted that he and his son have been taking photographs of the festivities held at Ft. Halifax Park for the past two years. In addition he indicated that a number of these photos have been posted to Flickr with a link to Ft. Halifax Park's website. He then stated that during the past two years, there have been over 1,200 viewings of these photos, which he suggests is indicative of interest in the Park. He then asked that the board be sure to retain the Park.
- H. Peg Wasson:** inquired as to why there appears to be a rush to take down the Park buildings. In light of the archaeological recoveries that have occurred to date on Park property, she expressed the need to take proper precautionary measures to ensure the preservation of other artifacts that are possibly contained within that area. Furthermore, she went on to say that the Township could face punitive action by PHMC if it proceeds with the demolition in a way that fails to be sensitive to the historical attributes of the Park.
- I. Norma Shearer:** expressed concern that the board was hearing almost exclusively from individuals who oppose the development of Ft. Halifax Park. She then went on to note that the value of the Park has already been recognized by both the county and state by way of funding. In addition, she noted that national recognition of one of the historical attributes of the Park, namely that of the Sycamore Allee, had also been achieved. She then expressed concern that the Park's historical heritage is being overlooked in discussions pertaining to the future of the barn and the farmhouse. She then presented a number of potential uses for these buildings, including storage & educational facilities, meeting rooms, office space, etc. and stated it would be irresponsible to consider tearing down these structures in light of such potential uses and the cost of building new. She noted that Carl Dickson, Director of Dauphin County Parks and Recreation, and degreed in historical preservation, had provided his professional opinion on the condition of the barn, stating that it was worthy of restoration. She then noted that the Park's study committee and consultants were aware of the sensitivity to the costs associated with the development of the Park and as a result she noted that many low cost options were being proposed. She then stated that those in support of developing the park were neither in favor of demolishing the buildings nor in favor of returning it to farmland as they felt it would hinder Park development and use. She then asked that the board not base their decisions upon a few outspoken citizens who she feels are lacking in wisdom and foresight with respect to the value of the Park.
- J. Robert Blosser:** Commented on the behavior of the citizens at the last meeting he attended noting that during his allotted time to speak there were a number of unsolicited outbursts that went unaddressed by the board. He then noted that in all his years of government service he never once had to endure such behavior. Mr. Blosser then went on to state his support for Ft. Halifax Park. Furthermore, he noted his involvement in the Park survey that was completed last November. He stated that the results of the survey indicated that not only was there support from residents of Halifax Township, but also support from neighboring areas. More specifically, he noted that of those that responded to the survey (which he noted included all of the 17032 area), exactly 50% supported the development of the Park. He then went on to say that the development of the Park would take time, as it did with Fort Hunter and that consideration is being given to the interests of the entire valley and not just Halifax Township. He then indicated that he thought it was premature to be making any decisions with respect to the future of the Park buildings when the study committee itself had not yet fully considered it. Finally, he noted his support of moving ahead with the development of the Park and asked that the board not be influenced by cost alone given the value that the Park will have for many generations to come.
- K. Jim Eppley:** noted that the Master Site Plan that Larson Design and the Ft. Halifax Park study committee have been working on would be presented to the board in the fall for review, followed by a final public meeting. He then indicated that the board should not find any of the final development ideas objectionable given that the board adequately reviews the plan contents and provides input. Jim then indicated that following the final public meeting, the plan would be made available for public review and would require approval by both the board as well as DCNR before the final payment for services would be made to Larson Design. With respect to the Park

- buildings, Jim indicated that the study committee was not yet prepared to make any recommendations on these structures, stating that while Center Point and Larson Design had provided a visual assessment on the condition of the barn, a structural analysis had yet to be performed. He then noted that Carl Dickson had volunteered to have the barn cleaned out at no charge to the Township so that a proper determination could be made as to the soundness of the barn. He also noted that while the barn was in fact located within the floodplain, it would be unlikely that water would ever reach the first floor or the wood beams given the 100-year flood elevation and the elevation of the barn's upper level. He then stated his preference for the study committee to have the opportunity to review the suitability of the barn for a variety of uses before any board decisions are made. He then extended an invitation to the board members to attend the next Master Site Plan meeting which he noted was scheduled for Thursday, July 15th, and would consist of a field review of the proposed development plans that exist to date.
- L. **Bonnie Freeman:** reviewed letters from Arla Bowman, James Facinelli, Sue Hoffman McElhaney, Kendra Lebo, and Lauren Bitting-Ellis, noting that they were unable to attend the meeting but wanted to express their support of the development of the park as well as the preservation of its buildings.
 - M. **Bill Krenz:** noted that he and his wife view the park as a tremendous asset to the whole community, stating that it offers a marvelous account of history that should be preserved.
 - N. **Rose Steinhauer:** a Jackson Township resident expressed her support of the Park and appreciation for those individuals that were forward-thinking enough to acquire the Park.
 - O. **David Bitting:** asked that the board not make any premature decisions with respect to the future of the barn, noting that the decision to demolish the buildings cannot be undone after it has been acted upon.
 - P. **Darren Mauser Jr.:** noted that he had made 15 benches to be donated to the Park as part of his Eagle Scout Project. He also noted that his troop participated and that Kratzer's Hardware, Fastenall's and Klinger Lumber provided the supplies at no charge. The board then thanked him for his contribution.
 - Q. **Rudi Erb:** reviewed the results of Dauphin County's assessment of the condition of streams within the area. She noted that Powell's Creek was the healthiest stream in Dauphin County. She then stated that in order to preserve Powell Creek's water quality and prevent it from being degraded, TVC would like to petition DEP for a stream designation upgrade. However, she noted that support from each of the watershed municipalities would be required and as such, TVC is asking that each of these municipalities provide a letter of support, to be included with this petition. Discussion ensued. Solicitor Warshawsky then noted that an adopted resolution might serve as a stronger indication of support than a letter. The board then agreed to have Solicitor Warshawsky draft the resolution for consideration at the next meeting. Rudi Erb then noted that once petitioned and DEP determines that a stream upgrade designation is warranted the issue will still be subject to a public approval process.
 - R. **Donna Rode:** in light of the effort put forth by the citizen group that volunteered to review the potential to continue to farm the Park property, Donna expressed disappointment in Supervisor Stopfel and Supervisor Eppley for electing to leave during the discussion of their findings at last month's meeting. With respect to the future development of the Park, she noted that her concerns are financial in nature and call for fiscal responsibility in decision-making as it involves taxpayer monies. She then condemned the former board for both the way that they proceeded with the acquisition of the Park, as well as for the way they treated former Township Secretary, Carolyn Nye. Carol Eppley then inquired as to why Donna felt the need to continue to rehash these items. She also stated that with respect to the discussion on further farming of the Park, she felt that Donna's interpretation of the information and/or events pertaining to the acquisition of the Park and its use was inaccurate. Donna then noted that it was the board's responsibility to represent the interests of the people of this community. Linda Stopfel noted that there were over 3,000 people within Halifax Township and that the board is to represent the interests of all of its residents and not simply those who attend the meetings. Donna then suggested that the people of the community do not feel that their interests are being represented by either Linda or Carol and as such would like to see them resign.
 - S. **Melinda Warfel:** noted that in 2004 while serving as the elected Tax Collector for the Township she surveyed resident taxpayers to get a pulse on their position on the Park. She noted that 86% of

the respondents indicated that they did not want the Township to become personally involved with Ft. Halifax Park. She then indicated that she would be willing to take another poll and present her findings to the board, stating that Township residents should have more say on the development of the Park, since they are the ones who will be required to fund it. Linda Stopfel then stated that some of the individuals Melinda surveyed indicated that Melinda had voiced her own criticisms of the Park when soliciting their input. Linda then went on to say that she felt this was a misuse of her elected position, and noted that she was to be objective in performing her duties. Melinda then offered an apology for not appearing impartial but stated nonetheless that she has been as objective as Linda has been on this issue.

- T. Jerry Kissinger:** presented Solicitor Warshawsky with a photograph of a vehicle located on his neighbor's property and asked if it qualified as an abandoned or junk vehicle under the Township's Nuisance Ordinance. Solicitor Warshawsky reviewed the intent of the Ordinance and noted that while the vehicle appeared inoperable from the photograph, further investigation by the Township would be required before the vehicle could be classified as either an abandoned or junk vehicle and thus become the subject of enforcement under the Nuisance Ordinance. Mr. Kissinger then asked that his complaint be noted and further researched by the Township.
- U. Jim Long, Jr.:** noted that while pulling a loaded straw wagon along Matamoras Road, he hit a 40 foot long branch that flipped and landed on top of his wagon. In light of the potential hazards, he asked that the board address the overhanging branches on Township roads.

SECRETARY REPORT

Ken Hoover motioned to accept the June 14, 2010 minutes as presented. Carol Eppley seconded the motion and the motion carried 5:0.

TREASURER REPORT (see attached)

Paid Interim Bills & Unpaid Current Bills:

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

Carol Eppley motioned to approve the unpaid bills as presented. Ken Hoover seconded the motion and the motion carried 5:0.

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

PLANNING COMMISSION REPORT (Presented by PC Chairman Fred Ford)

Act 23: Appalachian Trail Act:

Fred indicated that Jim Szymborski from Tri-County Regional Planning stated that they would not be taking any further actions in complying with Act 23 until advised to do so by the State. Accordingly, Fred noted that the Township's Planning Commission would be tabling this item as well.

Deppen Sketch Plan:

Fred noted that the Deppen Sketch Plan was presented to the Planning Commission and was reviewed for feasibility.

SALDO Review:

Fred noted that the Planning Commission had begun reviewing Sections 1,2, and 3 of the SALDO and would continue with a review of Chapter 4 during their August meeting.

Fred then took the opportunity to comment on the behaviors of some in attendance, stating that as the Chairman of both the Planning Commission and HAWASA, if individuals were to engage in similar behaviors at these meetings they would be asked to leave.

SOLICITOR REPORT (Presented by Bruce Warshawsky – see attached)

Bruce Warshawsky noted his submission of his monthly report dated July 9, 2010, for consideration by the Board. He then reviewed the following items:

LITIGATION:

Tobias v. Halifax Township: Bruce noted that following the June 21st meeting with Mr. Tobias and his counsel, the Township received notice that Mr. Tobias rejected the proposed resolution. He then noted that a trial date would be scheduled soon.

DONCO Construction/Lenker v. Halifax Township:

Bruce noted that the DONCO Construction litigation matter requires additional research by Mr. Wilson and himself. He then noted that they should be in a position to discuss the matter further in an Executive Session before the August 9th meeting.

OTHER MATTERS:

RRMHP – Outstanding Plan Fees:

Bruce indicated that the engineering and/or legal fees totaling \$5317.20 for River Ridge Mobile Home Park were still outstanding and asked the board for direction with respect to any further action to be taken. Chairman Bechtel indicated that Secretary Ferguson had resolved all billing issues with Mr. Bistline. In addition, he noted that following their agreement on the amount owed, Mr. Bistline indicated that he would make payment within the week, yet months have passed since that time. Discussion ensued. The board then agreed to have Bruce issue a collection letter to Mr. Bistline to include notice of the need to have the account paid in full by next month's meeting.

Fire Service Agreement:

Bruce noted that if the Fire Service Agreement were in acceptable form to both the Fire Department and the Township, the agreement could be executed and ratified. The Fire Department's tax status was changed to read 501c(4) in the Agreement. Both party's then signed off on the agreement. Linda Stopfel motioned to execute the ratified agreement. Carol Eppley seconded the motion and the motion carried 5:0. Bruce then concluded his report noting that there were other items he would be addressing under Old Business.

ENGINEER REPORT (Presented by Tom Wilson – see attached)

Tom Wilson of K&W Engineers reviewed the services provided to the Township for the period: 05/29/10-06/25/10 as contained in the Engineer's Report dated June 30, 2010. No action was required by the board.

Tom then referenced correspondence received from DEP, pertaining to Act 167 (Dauphin County's Stormwater Management Plan) noting that each municipality located within Dauphin County is now required to adopt a stormwater management ordinance that is in compliance with the County's Plan. Tom then indicated that if the board so desired, he would be willing to proceed with preparing the necessary amendments to the Township's SALDO to ensure compliance. He then noted that the deadline to comply is December 25, 2010. The board agreed to have Tom proceed with implementing the necessary changes. Sol. Warshawsky indicated that no formal action was required.

ADMINISTRATIVE

A. Adoption of Dauphin County EOP: Charlie Bisking asked the board to give consideration to adopting Dauphin County's Emergency Operation Plan, stating that the Township's current EOP is not NIMS compliant. In addition he noted that Dauphin County would be responsible for all

plan updates, all of which would be at no charge to the Township. Linda Stopfel then motioned to adopt D.C.'s EOP as suggested. Carol Eppley seconded the motion and the motion carried 5:0.

Charlie then asked the board if they would give consideration to providing him with a **laptop**, printer and wireless internet service so that he could readily access all NIMS files and relevant resources needed in carrying out his EMC responsibilities. Discussion ensued. Linda Stopfel then asked if the discussion could be tabled until next month as it would allow her the opportunity to research any potential grants available for this purchase to which the board agreed.

- B. Meeting Packet Contents:** Secretary Ferguson indicated that following the recent reduction in what is being provided in the meeting packets, she has received requests to return to providing the Solicitor's and Engineer's report as well. She then noted that the primary reasons for not including these items pertained to both the added expense of supplies that are utilized with this additional output, as well as the additional time that it takes to make them available especially when information is received late. She also noted her willingness to make these items available electronically. Discussion ensued. The board then indicated that Secretary Ferguson should provide this additional information when feasible to do so.
- C. Copier:** In following up on last month's discussion about purchasing or leasing a new copier, Secretary Ferguson indicated her preference to schedule a 2-week no obligation installation of the copiers before making a decision, noting that she has no familiarity with the proposed units, to which the board agreed.
- D. Employee Reviews:** Gary Shultz noted his desire to begin conducting employee reviews on a semi-annual basis, stating that the Township's employees deserve feedback on their performance. In addition, he stated that it was important to have it on record. Discussion ensued as to the means by which these reviews could be conducted to ensure that the measures of performance are meaningful in light of the fact that the Supervisors are removed from the day-to-day performance of the Township's employees. Given her educational background in Human Resource Management, Secretary Ferguson noted that off-the-shelf performance assessment tools are often too generic to be of any real value. In addition, she noted that those involved in rating employee performance have to have an understanding not only of the performance objectives and how well an employee meets those objectives, but they also have to be willing to confront substandard performance. Otherwise she noted, a written record is created that can be used by an employee to establish that his/her performance was satisfactory when in fact it may not have been. Gary Shultz then asked Secretary Ferguson to research potential performance measurement tools for the Township.
- E. Grant Writing:** Gary Shultz noted that Shanemarie Ferguson had been hired in part, to do grant writing for the Township. He also noted that Linda Stopfel had indicated her desire to continue to write grants until her term expires. Linda then clarified that it had been her intent to facilitate this transition and assist Shanemarie in becoming familiar with the grant writing process. In addition, she noted her desire to attend the next grant training program with her. Finally, she noted that she would be willing to oversee the next grant application, and assist Shanemarie as needed. Gary then noted that he would like Shanemarie to be involved in the grant writing process so that she can be prepared to eventually take on the role of grant writer for the Township as intended. Linda then noted that there is a large grant available, with an application date of September 1st, 2010 that could be used to develop the Park. She noted however, that she is waiting on further development of the Master Site Plan to see what the greatest need for funding will be. Finally, Linda noted that funding for restoration of the barn was also likely to be available to the Township by way of grant, but she was waiting to see what direction the board wanted to take with the future of the building. Chairman Bechtel then noted that he would appreciate Linda working with Shanemarie to familiarize her with the grant writing process.
- F. Attendance at Master Site Plan Park Walk – July 15th @ 5PM:** In determining which of the board members would be attending this walk, Chairman Bechtel inquired if the board had to be concerned with potential violations of the Sunshine Law. Jim Eppley indicated that the walk was to be purely informational and would require no deliberation or discussion by board members that were in attendance. Solicitor Warshawsky noted that the law prohibits deliberation of any matter in private and as such stated that it was critical that in the presence of a quorum of supervisors,

Township business not be discussed, even when others solicited input from them. Chairman Bechtel then noted that the walk was open to all supervisors who desired to attend.

OLD BUSINESS

- A. **Ft. Halifax Barn:** Gary Shultz noted that there has been some confusion with respect to whether or not Larson Design and the Master Site Plan Committee were assigned the task of giving consideration to the future of the Park buildings. Gary noted that while Linda and Carol had formerly indicated that the building envelope had not been included in the RFP that Larson responded to, they have since stated otherwise. Carol Eppley noted that she had misspoken about the building envelope as she had assumed that because it was not purchased with grant funding as the Park property was, it would not be included in the context of Park development. She stated however, that mere recommendations would be made and that the board would ultimately decide upon the course of action to be taken. Gary then noted that while he was not in opposition to either the Park or what has been recommended to date with respect to its future development, his personal opinion of the barn was that it should be torn down in light of its condition and the associated potential to cause injury to someone. Linda Stopfel then motioned to accept Carl Dickson's offer to clean up the barn at no cost to the Township, with the use of prisoners, in order to more accurately assess the condition of the barn. Carol Eppley seconded the motion. Discussion ensued. Gary Shultz noted that in the event that Carl Dickson was given the opportunity to provide his personal opinion on the condition of the barn, the board nonetheless would reserve the right to formulate its own opinion and the ultimate course of action to be taken. In light of concerns associated with the potential liability to the Township in the event of an injury during the clean up, Solicitor Warshawsky recommended that the Township seek indemnification from Dauphin County so as to prevent being held liable. Linda Stopfel noted that she would make the request for proof of proper coverage and/or indemnification to DCPR. Chairman Bechtel then noted that he was also not in favor of keeping the barn in light of its condition and the cost to restore it. Linda then referred to last month's minutes and suggested that Chairman Bechtel had been in agreement with her position that Carl Dickson, who supports the restoration of the barn, was an expert on the issue. Chairman Bechtel then indicated that he had simply agreed to her request to have Carl Dickson address the condition of the barn with the board and not with her claim that he was an expert. Carolyn Nye then stated that at a prior Master Site Plan meeting that she attended Carl Dickson stated then that he had issues with the barn, although he did not disclose what those issues were. Chairman Bechtel then noted that the barn could likely be restored, as most things can, but at what cost to the Township. Carol Eppley then suggested that in light of the loss of barns and farmland in the area, and the historical relevance of the Park, the board should consider at least stabilizing the building for future restorations to be done incrementally over time. Chairman Bechtel then argued that the restoration would likely involve the use of taxpayer monies, which he doesn't feel is reasonable at this time. Linda Stopfel then suggested that she could acquire the money needed for restoration without any matching fund requirements. Chairman Bechtel then expressed concern that these monies would only cover the restoration of the barn and would still not make it a functional space. Linda indicated that she could likely request additional monies to make it a usable facility as well. Chairman Bechtel then noted that there was a motion on the floor to allow Carl Dickson to proceed with the barn clean up at no cost to the Township. However, he noted that he was uncomfortable with the motion as it stood as it did not incorporate assurance from the County that the Township would not be exposed to any liability. Linda Stopfel then withdrew her original motion and put forth a new motion that allowed for Carl Dickson to proceed with the clean up, provided that the County was able to assure that the Township would be free from any liability in the event of an injury. Carol Eppley seconded the motion and the motion carried 5:0.
- B. **Grants:** Linda Stopfel noted that she had already addressed the potential grants available to the Township under the topic of grant writing.
- C. **Park Use:** Linda Stopfel indicated that most people aren't aware that the Park can be utilized now for recreational purposes such as fishing, picnicking, etc. Accordingly, she suggested that the Township's picnic tables and the benches donated by Darren Mauser, Jr. be placed

strategically throughout the Park so that individuals are encouraged to stop by. In addition, she noted that she would likely be able to secure porta-potties for the Park at no charge to the Township if desired. Ken Hoover then expressed concerns surrounding the use of the railroad crossing to access the Park. Jim Eppley then confirmed that it is a farm use crossing strictly designated for farm use. Linda then suggested that the tables and benches be placed on the right side of the Park, where there are no such restrictions. With respect to the porta-potties Chairman Bechtel indicated that he had some reservations about their placement at the Park in light of the potential for vandalism. Linda indicated that she would discuss this with the potential donor to see if he was willing to shoulder any such occurrence.

- D. **Pawnee Lane/Baer Complaint:** In light of recent correspondence sent to Mr. Baer indicating that it was the Township's position that the topography on Pawnee Lane was such that any overflow stemming from the debris located on Mr. Lenker's and Mr. Campbell's property would likely flow onto Pawnee Lane and not onto Mr. Baer's property, Mr. Baer came before the board again to argue his position that the debris in fact creates additional run off onto his property. Discussion ensued. Township Engineer, Tom Wilson, noted that his assessment was brief and did not include a topographic survey and accordingly, it could be possible as Mr. Baer has stated, that his property endures additional run-off as a result of the debris. Mr. Baer inquired as to why Mr. Lenker was not required to remove the debris following notice sent to him in 2007 which indicated that the debris was creating a similar nuisance for another neighbor. Mr. Wilson indicated that at that time the debris was located at the head of the inlet pipe and was causing it to clog and surcharge the neighbor's sand mound. Furthermore, he noted that only the debris that was causing the clog was addressed and it was determined then that the measures taken by Mr. Lenker had effectively resolved the issue that the neighbor was having. Mr. Baer then claimed that this issue had not been sufficiently resolved as it caused the additional run-off to be diverted his way. Solicitor Warshawsky then noted that drainage on one property cannot be altered in such a way as to be a detriment to another property owner, which he noted was Mr. Baer's claim. However, he noted that if Mr. Baer's pipe is not of sufficient size to handle a certain volume of water, it would not be the Township's responsibility since the pipe itself is located on private property. Gary Shultz then indicated that he was of the opinion after making a site visit that the debris does in fact appear to divert additional run-off onto Mr. Baer's property. Moreover, he stated that the Township has been sensitive in the past to others who have had water diverted their way and as such he feels that the Township should take some sort of action in attempting to resolve the issue of the debris. Discussion ensued. Solicitor Warshawsky then suggested that a pre-nuisance letter be sent outlining the concerns in an attempt to get the landowners to voluntarily commit to a viable solution before the next meeting. Gary Shultz then motioned for Bruce to send a pre-nuisance letter to both Mr. Lenker and Mr. Campbell asking that they address the issues caused by the debris. Carol Eppley seconded the motion and the motion carried 5:0. Solicitor Warshawsky then indicated to Mr. Baer that if the Township was not successful with its pre-nuisance letter, it could then move to send an official nuisance letter.
- E. **Scheidler Nuisance:** Solicitor Warshawsky reviewed the clean-up progress made to date at Mr. Scheidler's property noting that while there had been some effort since the original nuisance letter which was sent in March of 2007, there have been no noticeable attempts since the November 6, 2009 letter was issued. Moreover, he indicated that it was his opinion that this last letter was sufficient to allow the board to move ahead with enforcement action under the Nuisance Ordinance. Dale indicated that he was unable to take current photos of the property, reflecting its condition in light of semi-trailers being parked in the way, and the presence of dogs on the property. Solicitor Warshawsky then indicated that while it was preferable to have current photos, he still felt that the Township could comfortably move ahead with enforcement action, given testimony from the neighbor as well as copies of the numerous letters sent to Mr. Scheidler requesting his attention. Linda Stopfel then motioned to have Solicitor Warshawsky initiate enforcement actions against Mr. Scheidler. Gary Shultz seconded the motion and the motion carried 5:0.
- F. **Manning's Arrears:** Solicitor Warshawsky noted that the letter sent to the Manning's regarding payment on their arrears had been received by the Manning's as evidenced on the return receipt, but that to date no response had been received. Bruce then noted that the

Manning's were to respond with their payment by June 30th in order to avoid further collection efforts by the Township. Bruce then inquired if the board wanted him to file suit against the Manning's. He also noted that the recovery of legal fees could be pursued as well as under the lease. Discussion ensued. Gary Shultz then motioned for Bruce to pursue reimbursement from the Manning's via a suit filed with the District Justice. Ken Hoover seconded the motion and the motion carried 5:0.

- G. Response to Ken Masser's Inquiries:** Solicitor Warshawsky indicated the need to address Mr. Masser's inquiries pertaining to water run-off posed at a prior meeting. Discussion ensued. Linda Stopfel then asked if the issue could be tabled until next meeting as she felt that the board was still not in a position to adequately respond to his inquiries. Chairman Bechtel then indicated that he had spoken with Mr. Masser earlier in the day and had made him aware that the Township was still in the process of gathering the relevant information to ensure that a proper response was provided to him. Solicitor Warshawsky then recommended that someone meet with Mr. Masser so that the board is clear on the issues being presented. Chairman Bechtel indicated that he and Dale would be willing to meet with Mr. Masser and recommended that Fred Ford who is also the Chairman of the Water Authority attend as well, since the Water Authority owns the corresponding roadway there. Mr. Kissinger, whose property is adjacent to Mr. Masser's asked if he could be included in this discussion, noting that his drainage ditch is being impacted as well. Chairman Bechtel indicated that they would try to meet with him as well.
- H. Ft. Halifax Park Agricultural Use:** Solicitor Warshawsky noted that he drafted a letter to DCNR for the board's consideration in which he has requested that the possibility of using the Park for limited agricultural purposes be explored further. He then noted that to date he has not found anything in the law, DCNR regulations, the conservation easement or in the deed itself that would absolutely prohibit the use of the Park for agricultural purposes. However, he noted that the question remains as to whether or not there are other documents, such as the grant agreement itself that would prohibit this use. Absent any such noted prohibition, Bruce indicated that these exploratory efforts might in fact yield responsible agricultural use in a way that is consistent with open space preservation and protection of prime farmland. He then asked the board to give indication as to whether or not they wanted him to proceed with this draft of the letter. Carol Eppley asked that the reference to the Park being an eyesore be removed, to which there were no objections. Linda Stopfel then noted that she was not comfortable with sending this letter regardless of content, as she felt that DCNR had been clear as to the restrictions that would be imposed on the use of the Property. In addition, she noted that DCNR had already granted an additional year of farming when they were only required to grant two. Finally, Linda stated that she feels certain that this letter will be of negative consequence in terms of securing additional funding from DCNR for Park development in the future. Chairman Bechtel indicated that in light of the need to ease the Township's financial burden associated with Park maintenance, he was in favor of making the request. He also noted that he was in favor of the going green initiatives, like seeding the Park in grass, as it would minimize the amount of mowing and prevent the Park from being an eyesore. Norma Shearer then expressed concern for having this letter come from the Township Solicitor, stating that DCNR's attorneys and not Salen Stover, to whom the letter is addressed, will be the ones to respond, and it will be taken as a challenge to their interpretation of the law. This in turn, she suggested, will naturally have an impact on the potential to secure future funding from their agency. Chairman Bechtel then indicated that the request is not being put forth as a challenge but as a request to assist the Township in finding a means, within the law, by which to maintain and develop the Park so as not to become a financial burden on the Township. Discussion ensued. Gary Shultz then indicated that he was in favor of pursuing continued farming of the Park, noting the need for funding for both maintenance and development costs. Furthermore, he indicated that any such proceeds could be put exclusively towards Park maintenance and development costs, to which Chairman Bechtel agreed. Linda Stopfel then asked if the board would be willing to move ahead temporarily to her discussion on the Farmhouse, to which they agreed.

NEW BUSINESS

- A. **Farmhouse:** Linda Stopfel noted that she, her husband and Dale toured the Farmhouse together last week to see what condition it was in. She then noted that there was some minor work to be done on the house, including removal of carpets, replacement of flooring, painting and such but felt that it would be worthwhile to make the repairs utilizing money from the Park Fund. She then suggested that it either be rented again so as to be a source of income or find someone willing to mow and perform repairs at no charge to the Township in exchange for staying there rent-free. Gary Shultz then noted that he was not interested in resuming responsibilities as a landlord and as such, preferred that income be generated through the farming of the land if possible. Chairman Bechtel then indicated that he would be concerned with the type of individuals that would be interested in renting the property, given that it was a public area, for all to access. In addition, he noted the difficulties that the Township has had in the past with tenants and indicated that even the best efforts are no guarantee that the Township will not have any issues with future tenants. Discussion ensued but no action was taken.

Gary Shultz then noted the need to return to the topic of pursuing further agricultural use of the Park and to give direction to Solicitor Warshawsky as requested. Solicitor Warshawsky then noted that Alice Trowbridge from Larson Design was looking to set up a meeting to discuss among other things, the possibility of further agricultural use. Accordingly, he noted the need for the board to establish their position on this issue prior to the meeting, which he noted has been tentatively scheduled for August 4th. Discussion ensued. Gary Shultz then motioned for Bruce to proceed with the letter to DCNR outlining the Township's position, and with the omission of the sentence that suggests that the Park is an eyesore. Ken Hoover seconded the motion. Linda Stopfel then asked the board to wait to send the letter until after the outcome of the meeting with Alice has been determined. Solicitor Warshawsky then suggested that to not send the letter in advance of the meeting would likely render the meeting unproductive with respect to that issue as DCNR would likely need time to both review the board's position and generate a response. Bruce then noted that if the issue of farming is clear within the law, DCNR simply needs to provide that information and at that point any further pursuit would not be advised. However, he reiterated that to date, he has not come across anything that would rightfully prohibit such use. The vote then carried for Bruce to proceed with the letter to DCNR 3:2 with Carol Eppley and Linda Stopfel being opposed. Chairman Bechtel then inquired as to which of the board members would be attending the meeting that has been tentatively scheduled for August 4th. Solicitor Warshawsky noted that no more than 2 board members should attend given that it would certainly involve an interactive discussion. Gary Shultz then agreed to attend in addition to Linda Stopfel who would be attending as both a member of the board and as a member of the Park study committee.

Chairman Bechtel then asked Linda if she had any desire to proceed with her discussion on the Farmhouse to which she indicated that she did not. However, she inquired as to whether or not the Township was responsible for the overhanging trees that Mr. Long referenced during public comment period. Solicitor Warshawsky noted that the Nuisance Ordinance could be utilized against the property owner to address such growth, unless they were found to be within the right-of-way which he stated would then be the responsibility of the Township. Dale indicated that these branches were within the right-of-way and as such Township responsibility but noted that he had been told not to stand up in the bucket to trim the trees, which would have been required. Discussion ensued with respect to the potential safety apparatus needed by the Township to trim these trees as well as the potential use of a subcontractor to perform this work. Dale then noted that each year he trims overhanging branches on roads that are scheduled to be repaved, whether it is safe to do so or not.

ANNOUNCEMENTS:

Chairman Bechtel announced the following upcoming meetings/events:

Municipal Office Closed – Employee Training	July 29, 2010 (Thursday)
Planning Commission Meeting	August 2, 2010 7PM
Township BOS Monthly Meeting	August 9, 2010 7PM
Ft. Halifax Park - Music Festival	July 17, 2010
VRCP Meeting	July 13, 2010 7PM (Halifax Boro.)

Dale Shoop then noted that Eastern Industries provided the lowest qualified bid for the 2010 Paving Project. Gary Shultz then motioned to accept their bid as presented. Linda Stopfel seconded the motion and the vote carried 5:0.

ADJOURNMENT: Carol Eppley motioned to adjourn the meeting at 11:58 PM. Gary Shultz seconded the motion and the motion carried 5:0.

Respectfully submitted,

Shanemarie Ferguson
Township Secretary