

**HALIFAX TOWNSHIP
BOARD OF SUPERVISORS
MONTHLY BUSINESS MEETING
September 12, 2011**

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

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

EXECUTIVE SESSION: Chairman Bechtel announced there was an executive session held on August 30 from 7 p.m. to 8:20 p.m. regarding the Konchar litigation.

PUBLIC COMMENT PERIOD: **Patricia Powley** inquired about the entrance to the recycle area at Deppen Park. Chairman Bechtel stated the communication with the Mayor Jeff Enders indicated the Borough who owns this area is working on this with the County and may come to the Township to ask for some cost sharing of the project. **Florence McGuire** reaffirmed the Borough is working on the paving project at the recycling area with the County. **Deb and Rich Frantz** have no comment. **Rudi Erb** brought up an issue regarding an oak tree that came down in the creek at David Stroheckers and wondered if the Township could assist in getting this cleared away. Rudi stated Twin Valley Conservation is once again going to do a cleanup along the roads and asks if the Township would allow them to place a dumpster on site for this cleanup. Chairman Bechtel stated he will put these two issues under New Business for further discussion. **Fred Ford** defers. **Flo Mallonee** commended Rudi Erb for the organization's efforts in cleaning up the Township. Flo commented on her opinion about the Township doing business via emails. **Deb Snyder** commented on her support of Ft. Halifax for various uses including meetings and sports. Chairman Bechtel clarified that the park cannot be used for sporting events because of the type of granting which dictates it to be a passive recreation park. **George Kutt** defers to later on the agenda. **Norma Shearer** posed a question to the Chairman or the Board regarding whether or not the solicitor was asked to look into selling the park property. His answer is no. Norma stated per Salyn Stover's explanation last year in which she stated if the land is used for other than conservation or passive recreation the township would have to come up with replacement land equal in value. Norma commented on her observations of open space thru traveling around the United States.

SECRETARY/TREASURER REPORT: **Interim Bills – Motion** – Supervisor Hoover made a motion to authorize the payment of the interim bills, seconded by Supervisor Eppley, vote called, motion carried 4-0. **Current Unpaid Bills** – Supervisor Eppley asks about the Miller Services bill. Corey replied to her question by stating the stumps have been ground down. There is a guide wire cable in the last stump that has to be removed. Chairman Bechtel stated the field seeding is complete. **Motion** – Supervisor Hoover made a motion to authorize payment of the current bills, seconded by Supervisor Eppley, vote called, motion carried 4-0.

Minutes – Supervisor Hoover made a motion to approve the minutes, seconded by Supervisor Eppley, vote called, motion carried 4-0.

Financial Report – No questions.

EMC REPORT: Tim Neiter from the fire company provided a report on the recent flood and the fire company's involvement. He provided the Board with information on treatment of wells. Brad Bruner

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commended the fire company on their efforts in this recent flood. Supervisor Stopfel raised a question of what can residents do because of the inability to use septic systems and water due to the flood.

PLANNING COMMISSION RECOMMENDATION: Fred Ford announced the September 7 meeting was cancelled. The Solicitor announced that the Posavec Plan review time frame will start September 1. He recommended that the Board accept the Strohecker plan tonight to start the review process since the Planning Commission meeting scheduled for September 7 was cancelled. **Motion** – Supervisor Hoover made a motion to accept the Strohecker Plan for Planning Commission and Engineer’s review, seconded by Supervisor Stopfel, vote called, motion carried 4-0.

ENGINEER REPORT: Tom Wilson read his September 1 report. **McClellan Road** - Corey stated there is a portion of this road that needs repaired due to drainage problems. He received a cost estimate of \$7,000 and he will seek other estimates. **Morris Rill Property** - Chairman Bechtel brought up the Morris Rill property along the river in which Mr. Rill would like to do reconstruction on the one house, i.e. raise the building but not disturb the footprint. Tom stated if the property is in the floodway, Mr. Rill would need a permit from DEP which falls under Chapter 105 of the waterways permitting. If the property is in the flood fringe, he would have to ensure the facility is flood proof according to building regulations.

SOLICITOR REPORT: Bruce presented his report of September 7, 2011. **DONCO Agreement** - Bruce stated as soon as he can get a draft back and forth with Mr. Silver and there is a product for the Board to review he will provide this to the Board. Supervisor Eppley asks when are the sections going to be removed that were previously mentioned in the last executive session. Solicitor stated he has not had a chance yet to review the third draft but suggests that any comments the Board may have as a result of the review to please send them to him. The Solicitor and the Engineer clarified that the plan should be consistent with what is in the agreement and if not, Lenker would be in violation of the agreement. Nuisances – **Clifford and Katherine Harn** – Writs of execution have been served. Property has been levied. Everything that is personal property has been tagged by the Sheriff. The Board instructed the Solicitor to send a letter to the Harns stating the items are under levy. **SALDO** – The Solicitor stated there should not be an amendment or revision to the SALDO until we know where the flood plane regulations stand. Tom Wilson stated per Supervisor Bechtel’s conversation with Janine Parks of the Dauphin County Planning Commission, she indicated FEMA may give the authorization to receive the updated Flood Plane Ordinance in March 2012. This matter will be brought up to the Planning Commission in the October meeting. **Cable Franchise Fees** – The Solicitor stated he received a solicitation from a law firm who pursues cable franchise fees for municipalities and wants to know if the Board has any interest in this. Chairman Bechtel stated the Township has a 15 year contract with COMCAST and is five years into this contract. The secretary will provide the solicitor with a copy of the agreement. **Public Comment Response** – The Solicitor stated he would like to respond to Flo Mallonee and Norma Shearer’s public comment. He wants to clarify that no official action is conducted by email. In the absence of a decision to hold an executive session, the only executive session held by email was done back in January when selection of the secretary was an issue and expedited as an executive session. This was done by email because there was no way to physically hold an executive session for this personnel matter. The emails of this executive session were subject to the Right-To-Know Law. No official action is taken in the course of emails. Any emails between the secretary and the township officials are public records and subject to the Right-To-Know Law. Emails involving the Solicitor must be examined to determine if there is any attorney/client privilege exception to the Right-To-Know Law. For the most part if communications dealing with the Solicitor that are permitted to be discussed in executive session essentially personnel

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and litigation, an argument can be made that even emails including the solicitor are subject under the Right-To-Know Law. Discussion between less than three supervisors does not constitute any kind of official action. Flo Mallonee stated she brought this issue up because of the recent activities at the park regarding an archaeological surveying of the grounds and that she was told that emails pertaining to this matter were being sent. Chairman Bechtel commented that this had to do with notification protocol. Three of the five supervisors were not aware that this was taking place. The Solicitor stated that per Norma Shearer's public comment, she is aware and he thinks the public is aware that his bills are subject to inspection. As stated by the Solicitor any functions performed for the Township are reflected in his billing and his billing does not reflect any discussion about any potential selling of the park property.

ROADMASTER REPORT: Galli Road Easement/Trees – Corey reported an agreement needs to be done. The Solicitor stated the issue has to do with a 10 foot strip of land on the plan that is made available to the Township. There was no description as to what the Township could or could not do with this. The Solicitor will prepare an agreement which will allow the Township to do what it needs to do to correct the runoff problem. This agreement will have to be reviewed and signed by the land owners and then recorded.

ADMINISTRATIVE: Mailbox – the secretary asks if the Board has any objection to putting up a locked mailbox and eliminate the PO Box for deliveries. **Motion** – Supervisor Hoover made a motion to authorize the Secretary to pursue getting a mail box, seconded by Supervisor Stopfel, vote called, motion carried 4-0. The Board authorized Corey to install the box. **Annual Township Convention Oct 6** - Supervisors Stopfel, Bechtel and Tax Collector Melinda Warfel will attend.

SEO REPORT: None received.

OLD BUSINESS: Tree Planting – after some discussion as to where to plant the trees pertaining to distance from the road the Board agreed for the trees to be planted 33-35 feet from line on the side of the road. George Kutt will deliver the trees and an individual he knows will help the Township in the planting of the trees. George stated he will donate four extra trees if needed. Supervisor Stopfel talked about planting the trees in honor of all veterans and Brian Mowery who lost his life recently in the war as a result of a helicopter accident. Supervisor Stopfel stated matching funds for the tree grant will be provided by the veterans group. Norma Shearer stated the Friends of Ft. Halifax Park would like to recognize George Kutt, Sr. as the original donor of the trees and would like to put a plaque at the site in recognition of him.

Update on Recycling Entrance: Chairman Bechtel previously provided the update under Public Comment.

Sewage Issue - Tim Neiter contacted Dauphin County EOC regarding the sewage issue Supervisor Stopfel previously questioned. He found out that the only municipal sewage plant that is closed is Derry Township. Tim will provide more information about this and send to the township via email.

Harman Stove Plan – The Township is in receipt of the revised plan but has not received the letter describing the changes made. The Secretary is instructed to contact Mr. Harman and request the letter.

Nisance Complaint Updates: Gene Nye Property – Per Dale's report the property has been cleaned of trash and garbage. The house is vacant. **Susan Abright Property** – The high weeds have

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not been mowed. The secretary will post the notice on their door and the owner has 20 days to remedy the situation. If the property owner does not resolve the problem, the Board can commence the action in front of the District Justice. **Kolva Property** - A notice was posted on their door. Some trash was cleaned up but there is visible junk and trash still on the property. The Township cannot do anything about the trash that was put in the shed in the back unless neighbors complain about rodents, etc.

Stewart Property –The grass is cut and trash has been removed. A leased dumpster was placed on the property and now waiting for that dumpster to be removed. Corey will provide the Solicitor with all costs incurred in this cleanup. **Bitting Property** – There has been partial completion but Dale needs to follow-up on this to let Mr. Bitting know he has to remedy this completely. **Masser Nuisance** –The building is down but debris has not yet been removed. Junk and weeds are still visible. Supervisor Stopfel will talk to Mr. Masser. **Joyce Reinfeld Complaint** – Corey reported there is runoff onto her driveway from Tom and Donna Rode’s property. The Solicitor stated this is a private matter. The secretary will send a letter to Mrs. Reinfeld stating her issue is a private matter. **Harner/Hoover SEO Complaint** – Per Mike Brown’s email the water lines have been completely removed but he cannot confirm or deny that there is no sewage or gray water capable of being deposited on the property. Mike Brown’s concern as an SEO is how to deal with these situations in the future regarding temporary/permanent camp grounds. The Solicitor stated he suggested Mike Brown contact the PA Association of Enforcement Officers to get more information regarding this type of issue.

NEW BUSINESS - Tribute to Soldier – This issue was addressed previously. **Strohecker Tree Issue** - Rudi Erb indicated she will check into the status of the tree located in the creek near the Strohecker property and report to the Board. Rudi asks if the Township would provide the site for the dumpster? The Board agreed to help with cleanup of the tree and will provide the site for the dumpster. **Meeting with Fire Company** – Chairman Bechtel announced Bob Stout requested a meeting with the township before the end of September regarding the Fire Company Agreement for a five-year plan.

AGENDA ITEMS FOR NEXT MEETING: None mentioned.

ANNOUNCEMENTS: Planning Commission Meeting October 3 at 7 p.m.
Township Meeting October 10 at 7 p.m. Saturday, September 17 there will be a pig roast at the Veterans Park for the county commissioners from 4 p.m. to 7 p.m.

ADJOURNMENT: Supervisor Hoover made a motion to adjourn at 9:18 p.m., seconded by Supervisor Eppley, vote called, motion carried 4-0.

Respectfully Submitted by,

Carolyn Nye, Township Secretary