

**HALIFAX TOWNSHIP
BOARD OF SUPERVISORS
MONTHLY BUSINESS MEETING
NOVEMBER 11, 2013**

CALL TO ORDER: Chairman Bechtel called the meeting to order at 7: 04 p.m. and acknowledged the veterans of this country on this Veterans Day. The pledge of allegiance followed.

ROLL CALL: Supervisor Bechtel, Bruner, Hoover, Paul and Shultz are present. Solicitor Bruce Warshawsky, Engineer Tom Wilson, Roadmaster Corey Stazewski and Secretary Carolyn Nye are present.

RECORDING MEETING: None other than the Secretary is recording the meeting.

EXECUTIVE SESSION: Chairman Bechtel stated there was an executive session October 28 from 6 p.m. to 6:30 pm. regarding employee matters.

PUBLIC COMMENT PERIOD: **Flo Mallonee** was called upon but has no comment at this time. **Norma Shearer** stated she brought a display of pictures reflecting the activities at the park.

SECRETARY/TREASURER REPORT: **Paid Interim Bills** – Supervisor Hoover made a motion to approve the payment of the interim bills, seconded by Supervisor Shultz, vote called, motion carried 5-0.

Current Unpaid Bills – Supervisor Shultz made a motion to authorize payment of the unpaid bills, seconded by supervisor Bruner, vote called, motion carried 5-0. **Minutes** – Supervisor Hoover made a motion to approve the minutes as written, seconded by Supervisor Paul, vote called, motion carried 5-0. **Financial Report** –

EMC REPORT: No report was received.

PARK COMMITTEE REPORT: Supervisor Shultz read the report submitted by Frank Wilmarth. **Annual Festival – Motion:** Supervisor Paul made a motion to approve the Spring Festival, seconded by Supervisor Shultz, vote called, motion carried 5-0. **Brush and Specimen Trees** – Frank stated the volunteers will continue to clean out brush if the Board has no objection. **Park Buildings Update** – Frank would like to sit down with the park committee to go over proposed initiatives. **Scout and Student Involvement** – There is still an interest of the Scouts to get involved with park projects. **Park Signage** – Frank indicated there is still an interest in upgrading an entrance sign and other signs along the northern and southern ends along the 147.

PLANNING COMMISSION RECOMMENDATION: Chairperson Flo Mallonee gave the Planning Commission report of November 4. The Kiner Storm Water Management Plan was recommended for Supervisors approval contingent upon Tom Wilson's comments per his memo of October 29. **The Kiner Land Development Plan – Motion:** Supervisor Bruner made a motion to waive the preliminary plan requirement, seconded by Supervisor Paul, vote called, motion carried 5-0. **Motion:** Supervisor Paul made a motion for a preliminary plan approval contingent upon Tom Wilson's comments being met, seconded by Supervisor Hoover, Chairman Bechtel stated his concern regarding an issue of storm water if ever the property is subdivided, vote called, motion called 5-0.

ENGINEER REPORT: Tom Wilson read his report. No action taken.

SOLICITOR REPORT: DONCO Litigation – The Solicitor recapped the October 14 meeting in regard to the Board of Supervisors approving the revised real estate developer's agreement. Thereafter the executed document was presented to the court for a motion to approve and that motion has not been acted upon. Mr. Sweigard then filed a motion to intervene which also has not been acted upon by the court at this time. The

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Solicitor stated an executive session might be in order depending on the outcome. **Sweigard Right-To-Know (RTK)**- A Right-To-Know was submitted to the township by Attorney Gingrich on behalf of Mr. Sweigard. The Office of Open Records made a decision and the township had only to provided a copy of the revised developer's agreement which was reviewed by the Planning Commission at its October 7, 2013 meeting. The other items under that RTK request were all provided to Ms. Gingrich. Ms. Gingrich indicated she wants to appeal the Office of Open Record's decision and is requesting further documentation. Providing this information might eliminate the need for her appeal. The Solicitor will keep the board abreast of any developments and an executive session may be in order depending on the outcome. **UDITO Litigation (Upper Dauphin Income Tax Office)** – Argument is scheduled on Wednesday afternoon on some discovery motions. Susquehanna Bank is slightly turning tail and appears to recognize Powells, Rogers and Speaks (PRS) is the one wearing the “black hats”. Susquehanna Bank is supporting the municipalities' request but wants to remain neutral without admitting any liability regarding the collection and dispensation of the tax and has agreed to cover the municipalities' attorney fees. On Wednesday PRS counsel may find themselves in an uncomfortable position as to why they have not provided tax records. Depending on the outcome, an executive session may be in order. **Harman Nuisance** – The Solicitor went over the magisterial district justice judgment of \$561.00 against Mr. Harman. Mr. Harman feels he has an appeal, but he does not. Revelation Realty now owns the property. The Solicitor recommended authorizing certification of judgment and to file in the county where Mr. Harman resides which is Schuylkill County. He also suggested beginning proceedings with a nuisance letter to Revelation Realty under the new nuisance ordinance. **Motion:** Supervisor Shultz made a motion to authorize the Solicitor to proceed with the filing to Schuylkill County, seconded by Supervisor Hoover, vote called, motion carried 5-0. **Harner/Hoover SEO Nuisance Issue** – Charges were filed and the hearing is scheduled for November 18, 2013. Matt Williard the SEO indicated the tank was removed. A site meeting was held which included the solicitor, roadmaster, the SEO, Mr. Hoover and his counsel. The Solicitor suggested holding off on the hearing and ask for a general continuance contingent upon Mr. Hoover providing a permit to put in a new system and leave the fine in place. Matt Williard, the SEO will contact DEP for specific information on what kind of system can be put in a floodplain. **Motion:** Supervisor Hoover made a motion to defer enforcement and seek a general continuance, seconded by Supervisor Bruner, vote called, motion carried 5-0. **Line Painting – Middle Road** – The road is undersize which is less than sixteen feet wide. **Motion:** Supervisor Paul made a motion to authorize the engineer to do an analysis of Middle Road and make a recommendation to the Board, seconded by Supervisor Bruner, vote called, motion carried 5-0. **Lenker Estates Club House** – The clubhouse was built across two lots. The Solicitor and Engineer will review the plans. This should be on the December agenda for discussion.

ROADMASTER REPORT: Corey previously submitted a report to the Board. He asked for Board approval for the garage door project: **Motion:** Supervisor Hoover made a motion to approve \$1,795.00 for adjusting the springs on the garage doors and new weather stripping, seconded by Supervisor Bruner, vote called, motion carried 5-0.

ADMINISTRATIVE: Resolution for Supplemental Appropriates for Budget Overage - Supervisor Bruner made a motion to waive the reading of the resolution, seconded by Supervisor Shultz, vote called, motion carried 5-0. **Motion:** Supervisor Hoover made a motion to approve the resolution, seconded by Supervisor Bruner, vote called, motion carried 5-0. **Year End Tax Resolution** – Supervisor Bruner made a motion to authorize the solicitor to draft the resolution for the December meeting, seconded by Supervisor Shultz, vote called, motion carried 5-0.

SEO REPORT: Matt Williard SEO went over his reported activities. He indicated he did a site evaluation of the Harman property and found the septic tank is damaged. He will write a letter to the owner to abandon the system.

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OLD BUSINESS: Fireworks Ordinance – This was tabled til the January meeting. **Snow Removal Policy – Motion:** Supervisor Shultz made a motion to waive the reading of the resolution, seconded by Supervisor Paul, vote called, motion carried 5-0. **Motion:** Supervisor Paul made a motion to approve the resolution as written, seconded by Supervisor Hoover, vote called, motion carried 5-0.

NEW BUSINESS: Budget – Motion: Supervisor Shultz made a motion to advertise the 2014 Proposed Budget, seconded by Supervisor Paul, vote called, motion carried 5-0. **Tax Collector Resignation/Appointment** – Chairman Bechtel read the tax collector’s resignation. **Motion:** Supervisor Hoover made a motion to accept the Tax Collector’s Resignation, seconded by Supervisor Bruner, vote called, motion carried 5-0. Donna Rode commended Melinda Warfel on being Tax Collector for all the years she served in that capacity and for going above and beyond what was required of her. **Appointment of New Tax Collector – Motion:** Supervisor Shultz made a motion to appoint James Markel as the new tax collector, seconded by Supervisor Bruner, under discussion Supervisor Paul commented on the County’s email which included their proposal to collect the taxes without a fee. Melinda Warfel feels this would result in a disservice to the residents. There would be no personal contact and there would be difficulty for people to get to the County office. Chairman Bechtel stated this would result in eliminating local control. Cindy Withers questioned appointing someone for two years. Donna Rode stated Jim had a significant amount of write-in votes, Flo Mallonee stated the Board should take this opportunity as long as they have this choice, Supervisor Paul agrees with staying with a local tax collector, Supervisor Hoover also agrees, Supervisor Shultz introduced Jim Markel, vote was then called, motion carried 5-0. The secretary will send letters of notification to the County Commissioners, Steve Howe at tax assessment, Janice Creason at the Board of Elections and Marie Reabuck, Controller at Dauphin County pertaining to the present tax collector’s resignation and the appointment of the new tax collectors **Barn at Park** – The Board agreed to secure and lock the barn. The barn will be for Township use only as storage for equipment and picnic tables. Corey will have control of the key and only authorized personnel will be permitted access. Frank Wilmarth commented about The Friends of Fort Halifax using the barn and repairing the doors. Supervisor Paul upholds the County’s report on the condition of the barn. Corey favors friends still being authorized to repair the doors. Chairman Bechtel reiterated the use of the barn be restricted to the Township. **Lenker Financial Security Release Request** – Mr. Lenker stated he is satisfied with Tom Wilson’s assessment regarding the reduction of the dollar amounts. He will come back to the Township with another letter reflecting the results. Mr. Lenker brought up the issue regarding the lack of the tack coat application and provided his justification as to why this was not applied. Tom Wilson refuted this by quoting the 1970 PennDOT regulations pertaining to the application of tack coating before the wearing course and stated Steve Rowe informed the individual doing the paving for Mr. Lenker to apply the tack coat first. The tack coat was not applied. A discussion ensued regarding a guarantee on the paving. The Board was agreeable to an eighteen month guarantee on the roads in Lenker II and a thirty-six month guarantee on all the streets in Lenker Estates Phase I. **Deed of Dedication/Street Description - Motion:** Supervisor Hoover made a motion to approve the Deed of Dedication contingent upon the Engineer and Solicitor’s review of the Deed of Dedication and to include a 36 month improvement bond on all the streets in Lenker Estates Phase I, seconded by Supervisor Bruner, under discussion Norma Shearer asks about the completion of the sidewalks, the Solicitor stated the bond remains for the improvement of the sidewalks, Chairman Bechtel has concerns with finishing the development and the heavy equipment traveling the streets, Mr. Lenker indicated he is overlooking the condition of the streets in Phase I, vote called, motion carried 3-1 opposition. Supervisor Shultz had to leave the meeting. Donna Rode inquired about the auditor position. Chairman Bechtel stated if there were write-ins and the person accepts the position, there should be no need to appoint someone. Mr. Lenker inquired about when can he get his letters to take to the bank regarding the financial security reduction. He stated he will need the LOC #349 and #350.

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AGENDA ITEMS FOR NEXT MEETING: Fireworks Ordinance, Deed of Dedication Review Results and Lenker Club House Review Results.

ANNOUNCEMENTS: Planning Commission Meeting December 2 at 7 p.m. and Township Meeting December 9 at 7 p.m.

ADJOURNMENT: Supervisor Hoover made a motion to adjourn at 9:05 p.m., seconded by Supervisor Bruner, vote called, motion carried 5-0.

Respectfully Submitted,

**Carolyn Nye
Secretary**