

**HALIFAX TOWNSHIP
BOARD OF SUPERVISORS
MONTHLY BUSINESS MEETING
August 8, 2011**

CALL TO ORDER: Chairman Bechtel called the meeting to order at 7:02 p.m. followed with the Pledge of Allegiance.

ROLL CALL: Supervisors Bechtel, Shultz and Hoover are present. Supervisors Eppley and Stopfel are absent. Engineer Tom Wilson and Solicitor Bruce are present. Secretary Carolyn Nye is present.

TAPING OF THE MEETING: No one other than the secretary is taping the meeting.

BIDS: Chevy Truck: Chairman Bechtel opened the bids for the 1994 Chevy truck and they are as follows: Henry Land \$1,785.00, Sulli Motors \$505.00 and Eric Pinkerton \$501.01. **Motion** – Supervisor Shultz made a motion to award the bid to Henry Land, seconded by Supervisor Hoover, vote called, motion carried 3-0. **Fellowship Drive Paving Bid** – Chairman Bechtel opened the paving bids for Fellowship Drive and they are as follows: Meckleys \$22,533.00, Jay Fulkroad and Son \$27,856.00 and Eastern Industries \$19,840.00. **Motion** – Supervisor Hoover made a motion to accept Eastern Industry's paving bid of \$19,840.00 for Fellowship Drive, seconded by Supervisor Shultz, vote called, motion carried 3-0.

EXECUTIVE SESSION: Chairman Bechtel stated an executive session was held July 19 at 7:10 p.m. to 8:45 p.m. regarding the DONCO construction agreement.

PUBLIC COMMENT PERIOD: Fred Ford commented on the Master Site Plan and associated documents. He stated his concern is the financial responsibility of the Township and the park is a liability to the citizens of the Township because of the previous Township administration's pursuits to obtain this park. The citizens of the Township had no say or influence in the decision making factor. There was no referendum on the ballot. Also Fred feels the proposed Intergovernmental Agreement draft thru Larson Design Group is a dangerous document and one which will end up causing financial hardship to the residents of Halifax Township as well as the surrounding townships if grant money cannot be obtained. He contacted some legislators, DCNR, park services and reviewed state and national park budgets and concluded there is no money for this project. Regarding the houses on the park, Fred stated the Township would have to spend a lot of money in order to upgrade the houses to make them suitable for renting. Does the Township want to saddle the taxpayers with this expense in order to try to obtain rental money. He is reminded of the fact that the Township has had to go thru litigation because of one of the previous tenants and this has ended up costing the Township money. He urges the Township Board of Supervisors to table the Master Site Plan and any agreements and to not rush to judgment with the taxpayers' money. Chairman Bechtel reminded everyone of the three minute public comment period limit and asks to have this in mind when making public comment. **Barb Moore** commented regarding her fear that the park is going to become a great burden to the taxpayers of this community and one that they cannot afford. The Halifax Township Board of Supervisors also needs to live within their means in relationship to this park. She is asking the Board to be very careful with the spending on this park. **Eileen Snyder** was called on but the Chairman and Secretary apologized because Eileen did request to be put on the agenda and it is not indicated. She defers her comment to later on the agenda. **Flo Mallonee** wants to clear up any misconceptions perceived by those who have been saying that the people do not want the park and they do not understand. Flo stated it is not that we do not want the park, it is we were told sometime in 2004 by the PA Conservancy who came to a Township meeting that they wanted to purchase the park at 1.2 million dollars and wanted the Township's approval. Now the Township owns the park and everyone

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else can enjoy it at our expense. Flo feels that grant monies should be prioritized and have them given to the needy who are without jobs instead of going to a run down barn which is in the floodplain and subject to flood waters. Overall Flo's concern is having a park that the taxpayers of this township cannot afford. The Intergovernmental Agreement as presented will only end up costing the taxpayers more money. **Melinda Warfel** gave an announcement pertaining to the Fireman's Carnival August 10-13 the Public Library in Elizabethville is having a book sale August 24-27. She also presented the Konchar deed and the Tite Insurance Policy to the Solicitor which relates to the parcel of land running parallel between the railroad tracks and the park property. Melinda also stated that 85-90 percent of the people who she talks to and who pay taxes do not want to see any more money paid on this park. The Township has already paid out \$100,000.00 from the township treasury, paid off the \$400,000.00 loan, paid \$10,173.00 from the township treasury to buy the mower. As far as maintenance on the property, each time an employee goes up to the park to do work, it costs the Township. For a full time park employee Melinda projected it would result in the taxes going up 1 mill. For example if you have a \$150,000.00 property, it calculates to another \$150.00 on your tax bill to pay maintenance on the park. **Patricia Powley** stated she has never been in favor of the park. She mentioned when she and Ron Shrawder were running for township supervisors, a letter went out from the Township saying this park will not cost anyone any money; it will be paid for by grant monies the following year. This did not happen. Patricia asks about the status of the entrance to the recycling area at Deppen Park which is and has been a problem. Chairman Bechtel stated he was approached several months ago by Jeff Enders the Mayor of Halifax Borough and Jeff asked if the Township would be willing to split the cost of paving the approach. Chairman Bechtel told Jeff to send a letter presenting this proposal to the Township and he has not heard from Jeff Enders. Supervisor Hoover stated Marie Rebeck the County Controller said this is being worked on currently. The Secretary was instructed to contact the Borough for an update. **Donna Rode** commented on her concern regarding the Township's financial obligation if the Cooperative Agreement is signed and the Township continues to own the park. She referred to headlines in a newspaper article in the Sunday, September 28, 2003 Patriot News whereby the PA Conservancy wants to purchase and preserve land in Halifax Township. It went on to further state that they want to sell off some of the land to a developer to offset the cost. In the August 17, 2004 Patriot News a headline stated that Halifax Township is asked to own Yeager land. It is stated in the Township minutes that Halifax Township will not have to pay one cent for the park and if the Township does not want the park, the County would be happy to take it over. Donna feels that the Pa. Conservancy was very pushy in getting this park on the backs of the taxpayers of Halifax Township. She does not want one more penny put on the taxpayers of Halifax Township for this park. Donna proposes the following remedies: 1. The Township Board contact Dauphin County Commissioners to see if they would consider taking over control of the park. 2. A referendum be put on the November ballot to allow the taxpayers to have a final say in the future of the park. 3. Exercise the 10th Amendment giving power back to the people which is called nullification. This states when the people find themselves in conflict with the government in what is being put upon them, the people have the right to redress, i.e. to remedy the problem. The power of this country is in the power of the people.

SECRETARY/TREASURER REPORT: Paid Interim Bills – Supervisor Hoover made a motion to approve the interim bills, seconded by Supervisor Shultz, vote called, motion carried 3-0.

Current Unpaid Bills – Supervisor Shultz made a motion to pay the current bills including Tom Wilson's engineer bill, seconded by Supervisor Hoover, vote called, motion carried 3-0.

Minutes – Supervisor Hoover made a motion to approve the minutes with the correction mentioned regarding page 4, line 10 (correct spelling to "tried"), seconded by Supervisor Shultz, vote called, motion carried 3-0.

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Financial Report – No comments made.

PLANNING COMMISSION RECOMMENDATION: Fred presented the Planning Commission report as a result of the meeting of August 1. He stated a representative from Camp Hebron came to the meeting and asked about taking down an existing building and rebuilding on the same site under the same footprint. The Planning Commission hopes to finalize the SALDO in about two months. Fred wishes to thank the previous Planning Commission for their previous work on this project. The next workshop that was scheduled for next Monday is cancelled.

ENGINEER REPORT – Tom Wilson read his report dated August 8, 2011.

SOLICITOR REPORT – Bruce Warshasky went over his report dated August 4, 2011. **Konchar Litigation** - Bruce gave the history on the Martin Konchar litigation in which Mr. Konchar filed a lawsuit against the Township about three years ago claiming that certain of the property which is part of the park and part of the deed from the PA Conservancy to the Township actually belongs to him and he has filed a lawsuit asking the Township to recognize his right to the property that he owns by deed. The prior Solicitor filed objections to that claim and for whatever reason Mr. Konchar's attorney did nothing about this and it came up on the Court's calendar for litigation that has been dormant for two years. The court asks if this case should just go away or not and Mr. Konchar's attorney filed the statement that they intend to proceed with this and assert their rights. The judge issued an order to have the matter tried or resolved in three months. Bruce stated he will now take a closer look at this case and report to the Board on how to proceed. **Bistline Update** – Bruce stated he will follow-up with Mike about the outstanding bills owed to the Township and some information relative to DEP/Act 537 requirements. **Manning Issue** – The bankruptcy case is finished and the \$2,000 plus owed to the Township has now been discharged and no chance of recovery. **Informational** – If the Township wishes to sell an item that has a value of less than \$1,000, it does not have to be bid. This includes if the Township wishes to sell at a public auction or to another government entity.

ROADMASTER REPORT: Corey asks if the Board would authorize a toolbox for the new truck. **Motion** – Supervisor Shultz made a motion to authorize Corey to purchase a tool box under \$500.00, seconded by Supervisor Hoover, vote called, motion carried 3-0. **Reimbursement to Part-Time Employee** – Corey asks if the Board would consider reimbursing a part time employee time and mileage when he has been notified to go for mandatory CDL drug and or alcohol testing. Bruce suggested a motion to approve this and provide him with the policy for this by the next meeting. He will write this up as a resolution. **Motion** - Supervisor Hoover made a motion to authorize reimbursement to the part time employee for the two hours to go for testing plus 12 miles travel distance, seconded by Supervisor Shultz, vote called, motion carried 3-0. **Lunch Once a Week for Prisoners** – Corey asks if he could be authorized to purchase lunch once a week for the prisoners the Township is using to do various work throughout the Township. Corey gave an overview of what the prisoners have been doing throughout the Township. He can get these prisoners as long as weather permits. Supervisor Shultz asks Corey to see him about this issue later. Corey also asks the Board to think about call out time for part time employees.

ADMINISTRATIVE: The Secretary asks the Board about using the prisoners to paint the office, lunch room and meeting room. The Board thought this was ok. Corey said it could be a rainy-day project.

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SEO REPORT: Mike Brown the Township SEO reported on the installation of sewage facilities with no approval located on the Dale Hoover property along the river. After much discussion the Solicitor stated a cease and desist letter to stop further activity should be issued. The Harners who are under a sales agreement for this property have been instructed to cease and desist their activities on the property regarding the violations as stated and submit the proper paperwork to the Township according to the SALDO if they wish to pursue their project.

OLD BUSINESS: Resolution for Attorney Fees – Motion to waive reading of the resolution – Supervisor Hoover made a motion to waive the reading of the resolution, seconded by Supervisor Shultz, vote called, motion carried 3-0. **Motion for Approval of the Resolution –** Supervisor Shultz made a motion to approve the resolution, seconded by Supervisor Hoover, vote called, motion carried 3-0.

Harman Stove Plan – The Solicitor stated the Township is waiting for an as-built plan and letter describing changes. Secretary was instructed to contact Mr. Harman to see when the Township can expect the plan and letter.

Jorich – Matamoras Plan – It is expected that Mr. George who is the engineer for Mr. Jorich will comply and submit the updated as-built plan to the extent necessary and provide additional bonding or revision to the bonding to reflect the work that needs to be done by the next meeting.

Nuisance Complaints –Masser/Smeltz – An extension has been given to Mr. Masser to remove the building. Chairman Bechtel stated per Dale's report building is still standing and weeds have been cut. Jerry Kissinger presented pictures that he took today at 5:30 p.m. These pictures still reflect high weeds. Chairman Bechtel stated Dale will have to make a site visit and inform Mr. Masser to cut the weeds. **Stewart Property- Motion –** Supervisor Shultz made a motion for the Township to do the cleanup on this property, seconded by Supervisor Hoover, vote called, motion carried 3-0. The Solicitor stated he will get back to the Board to let them know what can be done to protect them pertaining to the lien position and if there is anything further the Board has to do prior to the self help he will let them know. **Albright Property–** Supervisor Hoover made a motion to send a nuisance letter to the Albrights regarding the high weeds, seconded by Supervisor Shultz, vote called, motion carried 3-0.

Galli Road – Trees – The Solicitor gave an update based on his research and found no other easement agreement. Both landowners will need to be contacted to enter into an agreement within the drainage easement if they want the trees taken down. The Solicitor and Corey will work on this. Corey will contact the landowners about this.

Vehicle Use Policy – The Solicitor read the policy. **Motion –** Supervisor Shultz made a motion to adopt the resolution, seconded by Supervisor Hoover, vote called, motion carried 3-0.

NEW BUSINESS: Eileen Snyder – Eileen gave some history on events that transpired regarding the park. She commented about talking to Carol Witzman about the financial concern she had with the park and Carol stated the township would have to create a real estate tax for this. The real estate tax was then imposed in 2004. There was some consideration of developing part of the east side of the park to offset the cost and sets of development plans were obtained and are at the township. Can the township still develop this to offset the cost? Eileen talked about the information she found in this

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grant for planting the American Sycamore. She mentioned the information she obtained on this stated do not use along streets or parks. How was this grant obtained? Chairman Bechtel stated he has been told that these trees are supposed to be London Plane Sycamores. Her biggest concern is the barn and the flood plain. Eileen went over the history of the floods that affected that property particularly the barn. Halifax Township has lost over \$85,800.00 in taxes on this property since it has been preserved as a park land. Eileen feels the people of this community cannot afford any more taxes. November 13, 2008 Dauphin County Parks and Recreation stated Halifax has 200% of park land recommended for the year 2020. Can the park property be given to the County or any other takers. Reverend Krenz was called on and he stated the park is still in the planning stage and in September there will be another meeting. The first phase will be very modest. The development of this park could take 30 years plus and he views this as an historic site. Mr. Krenz mentioned about the historic value of the trees planted to memorialize war veterans. Eileen questioned the pin oaks and why were they planted. Chairman Bechtel stated the trees including the sycamores were planted as a road beautification project. Chairman Bechtel stated a letter from DCNR states that whether or not the park is ever developed, the Master Site Plan needs to be completed and the property is not allowed to just grow up in weeds. The park does cost the Township money when the employees go up to work at the park. Corrine Gelnet stated the railroad running along that park is very dangerous and it is not the right place to put a park. Flo Mallonee stated the Township does not have total control over the park. DCNR and the PA Conservancy still have some authority. Fred Ford was called on and he spoke about Linda Stopfel's statement about putting in for five million dollars with Sue Helm. Fred said he spoke with Sue Helm and she replied this is a wish list and she doesn't have five dollars to give at this point. Eileen asks about the Bill Burch survey and the 15 foot right-of-way along the markers. She wants to know which side of the markers is the right-of-way.

Matter Property - Supervisor Hoover asked Mr. Krenz about the Matter property. Mr. Krenz stated the Friends of Ft. Halifax did acquire the property and he thought it was announced. Supervisor Hoover stated Mr. Krenz did not inform him of this previously.

Mike Brown, SEO – presented his report under SEO REPORT.

Nuisance Complaint Procedure – Motion – Supervisor Shultz made a motion to permit staff to investigate, identify and communicate without Board action regarding nuisances, seconded by Supervisor Hoover, vote called, motion carried 3-0.

Park Regulations – Chairman Bechtel addressed the issue of alcoholic beverages used at the Ft. Halifax Park during the recent music fest. This is contrary to the park rules posted at the park. These rules were established by the previous Township administration. Corey indicated the County people informed others to not check coolers and look the other way.

New Nuisance Complaints, Gene Nye and Mike Kolva – a nuisance letter will be sent to these individuals regarding trash and garbage.

AGENDA ITEMS FOR NEXT MEETING: None stated.

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ANNOUNCEMENTS:

Planning Commission Meeting September 7 at 7 p.m.

Township Meeting September 12 at 7 p.m.

Dauphin County Outreach Meeting August 25 at 6:30 p.m. at Halifax Township

ADJOURNMENT: Supervisor Hoover made a motion to adjourn at 9:54 p.m., seconded by Supervisor Shultz, vote called, motion carried 3-0.

Respectively Submitted by,

Carolyn Nye, Secretary