

HALIFAX TOWNSHIP  
BOARD OF SUPERVISORS  
ACT 537 PLAN HEARING AND  
MONTHLY BUSINESS MEETING  
DECEMBER 8, 2008

CALL TO ORDER: Chairman Shearer called the meeting to order at 7:00 p.m.

ROLL CALL: Supervisors Shearer, Ruff, Eppley, Shultz and Hoover are present. Solicitor Steve Dzurain, Engineer Justin Kuhn sitting in for Tom Wilson, and Carolyn Nye Secretary. Dale Shoop Roadmaster is not present at the meeting.

EXECUTIVE SESSIONS: Tonight from 5:30 – 6:35, November 17 from 6:00 p.m. – 8:27 p.m. and November 25 from 4:00 p.m. – 6:30 p.m. for personnel matters.

RECORDING MEETING: Dan Shearer and Eileen Snyder are recording the meeting in addition to the Secretary.

ACT 537 PLAN HEARING OPENING: Chairman Shearer announced at this time there will be a hearing for the Act 537 Sewage Facilities Plan. This plan was first discussed late in 2002, started to be developed in 2003 and 2004 and put on hold for a year in 2005 due to financial constraints and restarted in 2006 with our current engineer. This was enacted into law in 1966 requiring all municipalities to put a plan in place which provides for sewage management within their municipality. Chairman Shearer stated because of other township business being held tonight, we would like to keep this hearing to about one half hour if possible but at the same time we would like to hear from everyone present to address this plan. Justin Kuhn with our engineering firm of K&W Engineers has been in charge of the project since 2006 and will now turn the meeting over to Justin.

K & W Engineers: Justin Kuhn representing K & W Engineers explained the state's objective of the act is to require proper planning of all types of sewage facilities, permitting of individual and community on-lot systems as well as uniform standards for the design of systems. The main objective is to correct malfunction of sewage disposal systems, reduce the pollution of public and private drinking water sources which is often caused by discharging sewage directly to ground water and then exposing humans and animals to various bacteria, viruses and parasites. DEP requires that all municipalities develop and implement the comprehensive official sewage plan that addresses existing sewage disposal needs and problems, accounts for land development in the future and provides for future sewage disposal needs for the entire municipality.

Background on Initial Preparation of Plan: Justin explained in March of 2006 we met with representatives of DEP along with Halifax Township Planning Commission and the Board of Supervisors to discuss goals and guidelines for this plan. A mass mailing of approximately 1,357 surveys were mailed and we received 436 responses from those mailings. DEP required a minimum of 262 door-to-door surveys to confirm the surveys received and to inspect systems of people who did not respond who were willing to participate in that inspection. Out of a minimum requirement of 243 well water samples, we collected 253 samples and conducted a total of 308 sanitary surveys. This along with the mailed surveys gave us a total of over 500 surveys to draw from in order to prepare the plan. Upon receiving data and summarizing, we approximately spent from the end of 2006 thru March of 2007 preparing this draft plan and at that point it was given to the supervisors, planning commission and Halifax Authority as well.

The plan has been submitted to Dauphin County for review and Dauphin County has provided a letter of concurrence that they agree with the findings in the plan. It is the intent of the Township to adopt the resolution which will adopt this plan and then make a formal submission to DEP for review and approval which is about a 120 day process for DEP to review and provide comments and approve the 537 Plan. Justin went on to provide an explanation of the map that was presented for review.

Public Comments: Types of questions asked were as follows: Why is this a consideration now with the poor economy status and what financial impact will this have on residents, especially those who cannot afford to do this? Is there any financial government aid for residents who cannot afford this? Do we have to hook up to the public sewer if we have an operational on-lot system in place or, if the system is new or fairly new and operational? Who is going to do the scheduling for cleanout of the on-lot systems? Can the pumpers do the repairs? Who is going to do the inspections? Are the inspections mandatory and are there guidelines for the inspections? What contingencies are in place for cleaning and inspecting schedules; for example, if the homeowner is on vacation for any length of time, what is in place for this type of situation and similar situations? What do the inspectors look for as a mal-function? What are the minimum requirements of DEP for the Act 537 Plan? What is the overall cost to the taxpayers of this township? What provisions are in place for properties that still have a septic system not in use because there is no longer a house on the property? What type of financing is going to be available for the public sewage expansion and for how long? Does the current sewage plant have to be expanded and if so, at what cost? How long will it take for this to be phased in and when will it be initiated? Will there be additional expansions in the future after this initial plan is in place? How can this plan be enforced when there have been wrong properties sited on the map. Are there any provisions for waivers regarding properties of ten acres or more? Some residents complained that they did not give permission for any water testing to be done on their property and they knew it occurred because they are on the map: how does the township explain this? Are there any provisions for challenging the SEO's opinion on mal functions? A statement was made by a resident that when the township installs more public sewage in some areas, this opens the door for more high density housing and his conversation with a supervisor regarding a survey done some time ago by a local conservation group indicated that 92% of the people who responded to that survey said they would like to see this township stay as rural as possible. Why were there no other public meetings held before this one? Why is this being held before a regular public meeting? Why is this being rushed thru? Another meeting should be held because more of the public should be aware of this via a township newsletter. A resident stated there should have been multiple public meetings to discuss this issue and asks what DEP's minimum requirements are for this plan. Another question was there any public meetings held by the Planning Commission on this plan. A resident checked with DEP and talked to a John Boreland who looked up the regulation which states inspections are not on the minimal list of requirements. Donna Rode stated she is on the agenda and was not called on and would like to be included on the agenda for the next meeting.

Answers to Public Comment: Justin stated it is a possibility that PennVest may offer some low interest loans for low-income residents. After the plan would be adopted, if you fall within one of the areas sited on the map and you wanted to perform a subdivision, you would have to go thru a hydro-study to do that and the hydro study would determine lot size. Justin stated cesspools should also be pumped. Lot size was not looked at when the survey was developed. The township has already discussed allowing the pumpers to do the inspections so there may be little to no increase in the cost for pumping. If a landowner questions the SEO's opinion regarding malfunctions and you want to challenge this, you may have to contact DEP and talk with the sewer planning department.

DEP requests the public make written comments and a response can be provided. The Act 537 states that if any person aggrieved by an action of the local agency or sewage enforcement officer has a right to appeal for 30 days after the action. If you are in the initial area as recommended by the township for public sewer, you would be required to connect at the time of the installation of the public sewer. There are user rates now for people on public sewer and user rates would be implemented for new customers. Currently as of January 2008, the township likely would not qualify for Penn Vest funding. However, they would qualify for USDA funding which could be financing for up to 40 years at a specific interest rate. Once the plan is adopted, Justin thinks it would be a six to twelve month period for the Township and Authority to begin the planning process of designing and construction.

Justin stated it is generally a several year process until the construction of that can be seen in the front of your home. Mike Brown the township SEO explained the permit process for repairs and the various occurrences that constitute a repair. Justin stated there are possibilities of improper marking of properties and requests those residents to provide a written comment with name and address and this information will be reviewed. Properties with septic systems not in use because there is no longer a home on the property are exempt from the schedule. Everyone in the township who has an on-lot system will either be in a maintenance program or will be connected to the public sewer. The approximate cost to a resident to connect to public sewage with current rates would be \$3260 as a connection fee. The property owner is required to extend a lateral from their house to the right-of-way line and the cost depends on the distance. DEP usually goes with a 3 year schedule but with larger municipalities such as Halifax due to the large number of pumpings required, the township will request a 5 year schedule. Justin stated Page 35 of the revisions in paragraph 2 regarding inspections could be revised to show just a 5 year schedule. The sentence that states "The Township inspection requires the Township Sewage Enforcement Officer to conduct inspections of the on-lot sewage disposal systems" will be edited/changed. On page 43 under "Implementation Schedule" which states "The Sewage Enforcement Officer will develop and implement an evenly paced schedule with the on-lot sewage disposal system owners, for the inspection and pumping of systems evenly over the course of a 5 year period"; under this Justin stated there is a district map that shows who will get pumped in a specific year and generally this is up to the township and SEO to do this scheduling. Jim Eppley stated pumpers need certification to show they are authorized to dump the sewage at an authorized treatment plant. Jim also stated it would have been better to have scheduled this public hearing separately. The public can provide written comments to the township secretary who will forward them unto K & W Engineers who will respond to them in writing and show them in the plan. Supervisor Hoover suggested the township send out a newsletter to residents regarding the Act 537 Plan proposal. Supervisor Ruff suggested a second hearing should be held separate from a regular meeting and agrees that a letter to every household would be beneficial. She also recommended a well advertised notice to the public be made available with a larger facility to accommodate the citizens. In answer to the waiver question regarding properties with ten acres or more, DEP does not want to see a line drawn in who pumps and who doesn't because any malfunctioning system can be considered a public hazard with pollution in the ground water. Most estimated cost would be updated on a yearly basis. Justin stated the cost of land for pumping stations is calculated in with the roughly three million in construction and 1.6 million for contingences such as engineering, legal, right-of-way acquisitions, bonding and insurance and maintenance of traffic and testing the system. The installation of the sewer could be phased. Jim Eppley answered the question as to whether there were any public meetings held by the Planning Commission regarding this plan and there were none. Justin stated on Parmer Drive the ten homes listed would have to pay in addition to hookup fees the grinder pump fees and this additional cost could range from \$10,000 to \$15,000.

A hydro study could cost \$800 to \$1200 and this pertains to on-lot subdivisions. Justin indicated the needs of the citizens would be considered for hookup before considering the Lenker Development. If a resident is out of town for a period of time when the scheduling becomes effective, a provision for this type of situation would be provided. Due to the existing income level of Halifax Township, we would not qualify for higher priority funding and DEP felt the level of this community's needs is considered not fundable. Chairman Shearer stated a second meeting will be scheduled with a larger facility provided to allow further input.

Recess: Chairman Shearer called for a 10 minute recess at approximately 9:17 p.m..

**PUBLIC COMMENT PERIOD FOR THE GENERAL MEETING:** Faye Deibler asked why the township sign is at the park property and not near the head of the mountain at the township line. Chairman Shearer stated a place could not be located at the head of the mountain and the sign also serves to recognize sycamore allee. Florence McGuire asked when the new electric is going to be installed at the park property. Supervisor Shultz stated the township is waiting for Dave Bitting to work on this. Edwin Deibler talked about Scholl Road and the erosion problem there. Bob Artman thanked the township for providing the balance sheet to the financial statement. Bob stated the only fixed asset listed is the park; the equipment and township building are not listed. The quotes for the auditors are not in the minutes. Chairman Shearer stated the auditor issue is later on the agenda. Bob stated \$12,000 is not a bad figure according to what he has been told for an auditor. Eileen Snyder questioned the 2009 budget and why is the Treasurer getting over a 17% raise with the economy the way it is now. Supervisor Shultz stated we have asked Hoover Financial to do more things and this is not a raise. Flo Mallonee asked about the time for the Reorganization Meeting and Chairman Shearer stated it will be at 7:00 p.m. Flo also asked about the tenant arrearages. Chairman Shearer stated a schedule has been set up for payment of the arrearages. The Solicitor stated the amounts owing when the new lease was signed around July 2008 has a penalty component to it. The arrears that are owing prior to the signing of the new lease does not have a penalty component. The Board has made a decision for a payment schedule for the arrears prior to the new lease.

#### **SECRETARY/TREASURER REPORT**

Secretary - the Secretary defers to later on the agenda under New Business.

Bills for December 1 and December 10, 2008 – Supervisor Eppley made a motion to approve the bills for payment totaling \$13,023.84, seconded by Supervisor Ruff, vote called, motion carried 5-0. Minutes of November 10 – Supervisor Hoover made a motion to approve the minutes as written, seconded by Supervisor Shultz, vote called, motion carried 5-0. Financial Report of November – Chairman Shearer explained the park loan balance for the mortgage. The mortgage was reduced in 2008 by \$100,220.12 and this improves the income statement by \$104,000.00. You can only report money once on a financial report and in the past the township did not show a full balance sheet because previously the Board wanted the income statement to reflect total cash flow which was done. But with the decision to show a full balance sheet which does accurately reflect the current mortgage balance, this reduced our expenses on the income side and therefore increased our surplus on the income statement. The township needs to open a separate account for the grant money for the Master Site Plan. The entities supplying the grants require a strict accounting of the moneys used. The \$51,250.00 will be deposited in a separate money market or savings account and drawn upon as work is billed by our consultant during the Master Site Process. This money will be moved from the M&T account which currently has \$80,689.00. The Treasurer is researching the market for the best short-term interest. Motion – Supervisor Eppley made a motion to authorize the Treasurer to open a separate account for the grant

money to be used for the Master Site Plan consisting of \$51,250.00 to a financial institute which gives the best short term interest rate, seconded by Supervisor Ruff, vote called, motion carried 5-0. M & T Bank lowered the interest rate for that account from 4.85% to its current rate of .75%. The rate was originally set to equal the rate on the mortgage. Motion – Supervisor Shultz made a motion to move the remaining money \$29,439.14 from the M & T escrow checking account to another bank, seconded by Supervisor Ruff, vote called, motion carried 5-0. Chairman Shearer stated the Treasurer recommended transferring money from the general account to a CD. After the liquid fuels money that we spent this year is transferred to the general checking account later in this month, there will be in excess of \$400,000 in the checking account.

The checking account is used for the road projects and in December the money is transferred from the liquid fuels account over to the general checking account. The Treasurer recommends the township take \$100,000 out of the checking and put it into a CD at a bank that offers the highest interest yield. Motion – Supervisor Ruff made a motion to transfer the money from the general checking account to a CD after the liquid fuel money is transferred and deposited in the general account, seconded by Supervisor Eppley, vote called, motion carried 5-0. Loretta Prouse commented about Upper Dauphin Human Services who is going thru a similar process of staggering of maturity on CD's.

**PLANNING COMMISSION REPORT:** A report from the Planning Commission Chairman was passed out to the Board. Motion – Supervisor Eppley made a motion to accept the time extension for the Rex Nightwine Subdivision Plan to February 10, 2009, seconded by Supervisor Shultz, vote called, motion carried 5-0.

**Plan Tracking System –** Motion – Supervisor Ruff made a motion to approve the Plan Tracking System to be in place at the beginning of the new year, seconded by Supervisor Shultz, vote called, motion carried 5-0.

**ENGINEER REPORT:** Justin Kuhn read the report dated December 4, 2008 (see attached report).

**SOLICITOR REPORT:** The Solicitor read the report dated December 5, 2008 (see attached report). Motion – Supervisor Hoover made a motion to approve the Resolution to access PennDOT's system which will enable the transfer of documents electronically, seconded by Supervisor Ruff, vote called, motion carried 5-0.

**ROADMASTER REPORT:** Supervisor Shultz read the report for Dale Shoop who is not in attendance tonight. Motion – Supervisor Hoover made a motion to approve the building permit applications for Harry Reed for a 14x20 shed and Louis Lahr for a 12x22 shed, seconded by Supervisor Eppley, vote called, motion carried 5-0.

**SEO REPORT:** No comments.

**OLD BUSINESS:** Ken Bechtel-Budget - Ken questioned the increase of \$12,000 under Wages and Salaries and where it is being directed. Chairman Shearer stated it is there because the Board was looking at a lot of eventualities. Ken suggested the township start showing beginning balances for all accounts at the beginning of their budget to make it more transparent to the public as well as making it more beneficial for the Board.

Melinda Warfel – Budget - Melinda agrees with Ken’s statement about the budget. Melinda asks what is the township going to do with the \$12,000 under salaries and wages because this was not discussed at the last budget meeting that she attended.

Explanation of Deficit - Chairman Shearer explained that what shows as a deficit of \$44,000.00 is the result of grant money that was received for the Master Site Plan for Ft. Halifax Park. The money was received in 2008 and will be spent during the upcoming year.

Budget Adoption – Supervisor Shultz made a motion to adopt the 2009 budget, seconded by Supervisor Ruff, vote called, motion carried 5-0.

Auditors – The following proposals were received:

Maher Duessel	Zelenkofske Axelrod LLC	Patton and Lettich
2008 \$8,500	2008 \$12,500	Opt 1 \$4,500 Audit/DCED Report
2009 \$8,750	2009 \$13,000	Opt 2 \$7,000 Audit/DCED Report
2010 \$8,975	2010 \$13,520	and Financial Statements

Motion – Supervisor Ruff made a motion to hire the firm Patton and Lettich for one year using Option 1 which is for preparing the audit and the DCED report for the cost not to exceed \$4,500, seconded by Supervisor Eppley, vote called, motion carried 5-0. The Board asks the Secretary to notify Custer and Faust of the selection of auditor and ask Patton and Lettich to provide proof of bonding.

Upper Dauphin Income Tax Reimbursement – This issue has not been resolved.

Tracy Cox – HARA Update/Balance Sheet on Financial Report – Tracy expressed her views on the township and the people working together for a common goal. She thanked the township for the balance sheet. Tracy asked if the financial report is based on a cash or accrual basis of accounting. Chairman Shearer stated it is on a cash basis. Tracy cautions the Board on the type of audit that is being provided. She commented on the grantwriting seminar at the Upper Dauphin Revitalization and it was stated while attending this seminar that there are no operating grants for recreation authorities. Regarding the Dahmus property, Tracy indicated she was involved in discussions about looking at grants for Master Site Planning and investors. HARA’s cash balance thru December will probably be exhausted because there will be no more money put into HARA. Supervisor Ruff stated she will share some information with Tracy regarding sources to access. Tracy asks the Board to reconsider the additional amount of the contribution to HARA.

Town Meetings – Supervisor Ruff suggested quarterly meetings. Chairman Shearer suggested setting dates and Supervisor Ruff stated she can provide dates for the January meeting.

Regional Comprehensive Plan – Chairman Shearer stated next week the Valleys Regional Planning Committee will receive proposals from consulting firms who would like to serve as the consultant. The committee will review and rank the proposals and interview the top two or three firms.

NEW BUSINESS: Ken Bechtel – Secretary Position – Ken asks the following: 1. For confirmation of the rumored operation change/move and will some records remain at the current township building. 2. Was the operations move and personnel issues ever brought before the public for their opinions or input. 3. Will subdivision plans be available at the township building for public review. 4. Will Mr. Hoover be a contractor or an employee. Ken finished by saying he had a conversation with Jim Eppley the Chairman of the Planning Commission who also expressed to him a concern over this move.

Chairman Shearer Responded As Follows: With personnel issues it is not customary to solicit public opinion. Not all issues have been worked out as of this time. Plans can be reviewed at the township building. Arrangements can be made with Dale Shoop who will often be available. She asked the Solicitor if she could expound on the issues. The Solicitor stated that perhaps the explanation would provide the answers.

Melinda Warfel – Secretary Position – Melinda asks the Board for an explanation of the position change and operations move.

Chairman Shearer Responded As Follows: The Board has been working on improving the office procedures and communications for the past year. We see the township growing to a point where more accessibility is needed with a full time office. We explored various options and concluded that a full time position is necessary and we are engaging a Secretary/Treasurer/Administrator . In addition, we are moving the operation to Hoover Financial Services, Inc. with hours 9 –5 daily. We had a conversation with Carolyn to discuss her role in the transition and details have not been worked out yet. The public’s input will be appreciated. We are not firing anyone but are broadening and consolidating the positions. The January 5 Reorganization Meeting will provide more information.

Ken Bechtel Commented and Asks the Following: 1. What kind of services will be provided that are requiring additional hours. 2. He was told the DCED representative stated to some supervisors that the current hours of operation are sufficient for the size of the township. 3. He feels the Board is trying to create an office structure that is seen in townships with larger populations and larger budgets and those townships are required to provide more service to the community in various ways. 4. He questions the promptness and quality of service that will be provided with this move.

Eileen Snyder’s Question – What will be the cost to the township for this new classification and operation move to Hoover Financial Services, Inc.

Solicitor’s Responses – The contract with Hoover Financial Services, Inc. will cost the \$10,200.00 which is budgeted as well as the secretary salary as budgeted and any other expenses associated with running the office.

Secretary’s Responses –Prior to the last reorganization meeting she was approached by Supervisors Ruff and Shearer and asked her opinion of increasing the office hours. Her opinion based on her experience working in the township was that it is not necessary. Between that time and November 28 she was not officially informed of any intent to change the position and move the operation to Hoover Financial Services, Inc. She came up with her own conclusion after receiving crypted messages and fragmented statements from various sources regarding the operation and position. There was never any concessions or offers made to her regarding this new position let alone any information on the operation change. Because of the suspected intent of the Board regarding these issues, she submitted a proposal to the

Board on November 24, 2008 and offered to work the additional hours she is allotted which is 64 in a two week pay period or full time hours. She currently averages 54 hours in a two week pay period. The Board never responded to this proposal. She would like to also state for the record that she was never privy to or included in any meetings that held discussions on these changes. She was denied by Chairman Shearer attendance to a meeting with the DCED representative as well as her request to provide input pertaining to the office operations for this meeting.

Statement From Supervisor Ruff – There needs to be backup when the secretary is out and this change will provide that coverage. There has been an instance where someone wanted to drop off plans and the office was not open. The Secretary asked when this occurred because she was not informed of this.

Tracy Cox's Comments/Questions – 1. What is the \$12,000 budgeted for. 2. Only CPA's and employees of a company can issue an income statement and balance sheet. The balance sheet just provided to the public is worthless because the proper titles are not included and it was explained that a cash basis of accounting method is being used. However, this statement constitutes an accrual basis of accounting. You cannot issue an income statement or a balance sheet without an accountant report and you cannot do this unless you are a CPA.

Statement from Supervisor Shultz – Other options were reviewed and he insisted that whatever is done, we should be getting some value out of this at no more than the necessary costs. The change will be reviewed in six months. Hiring Carolyn as full time Secretary would cost more than what is budgeted.

Florence McGuire's Questions – What constitutes more value.

Supervisor Shultz's Comments – The Board has a sheet that was used for comparison purposes regarding the issues involved. The Solicitor stated this could be provided to the public as long as it is disseminated with the intent that it is nothing more than a summary of discussions that have been talked about. The public requested this information be provided in a newsletter and also be posted on the township web site.

Todd Etzweiler, Scott Corsnitz, Scott Paul and Others' Comments – 1. Why is this being done. 2. We have not experienced any problems with the current township operation and hours of service to the public. 3. You are frivolously spending the tax payer's money. 4. You are not listening to our comments, but just doing what you want, not what we want.

Flo Mallonee's Comment – You would have better served the public if you had allowed these discussions in a prior meeting instead of handling this in this manner, all in one meeting.

Melinda Warfel's Comments/Questions – 1. Is this move financially feasible and is it in the best interest of the township in serving the community. 2. Can this new position be advertised. The Solicitor stated it is a professional service and there is no requirement for a bid. 3. Is Hoover Financial Service, Inc. providing any service to any Board member and could this be considered a conflict of interest. The Solicitor stated the Board members are getting no personal benefit from hiring Hoover Financial Services, Inc.

Motion – Supervisor Shultz made the motion to appoint Hoover Financial Service, Inc. to serve in the capacity of Township Administrator/Secretary/Treasurer conditioned upon execution of a final contract to be effective after the January 5, 2009 Reorganization Meeting, seconded by Supervisor Hoover, vote called, Supervisor Eppley opposed, Supervisor Hoover abstained, motion carried 3-2. Chairman Shearer stated the Board would like to set a meeting with the Secretary, Roadmaster and Dave Hoover. The secretary asks that the transition issue be provided to her in writing and that she be provided her last day of employment.

FOR THE GOOD OF THE ORDER: Nothing mentioned.

AGENDA ITEMS FOR THE NEXT MEETING: Shared cost for the Gypsy Moth Spraying, HARA contribution and Dates for the Town Meetings.

ANNOUNCEMENTS: Planning Commission Meeting January 7 at 7:00 p.m.

Township Reorganization Meeting January 5 at 7:00 p.m.

Township Regular Board Meeting January 12 at 7:00 p.m.

Appointed Auditor's meeting January 6.

ADJOURNMENT: Supervisor Eppley made a motion to adjourn, seconded by Supervisor Ruff, vote called, motion carried 5-0. Meeting adjourned at 12 midnight.

Respectfully Submitted,

Carolyn Nye  
Secretary

HALIFAX TOWNSHIP  
BOARD OF SUPERVISORS