

Penn Township Minutes
Regular Meeting
December 2, 2015

The Penn Township Board of Supervisors held their regular meeting on Wednesday, December 2, 2015 at the Municipal Building, 228 Clifford Road, Selinsgrove, Snyder County, Pennsylvania. Chairman Jon Payne called the meeting to order at 7:08 pm, followed by the Pledge of Allegiance. Supervisors present: Chairman Jon Payne; Vice-Chairman Fred Ulrich; and Supervisor Brenda Moyer. Others present: Secretary/Treasurer Elizabeth Paige; Solicitor James Bathgate; Road Supervisor Isaac Ramer; and Assistant Zoning Officer Jim Geiswite. Members of the Public: Kathy Ulrich, Donald Steele, Mary Shaffer, Pete DeWire, Mary DeWire, Jody Ramer, Bruce Reber, Jill Reber, Janine Winn, Mike Savidge, Shane Kerstetter, Beth Kapsar, Mike Kuhns, Kathy Herman, Scott Herman, Keith Moyer, Mike Piecuch, Kevin Cook and Jan Ritter.

Approval of Minutes:

- Motion to approve minutes from the November 4, 2015 regular meeting with corrections noted by Supervisor Moyer was made by Vice-Chairman Ulrich, Supervisor Moyer second and carried with three (3) yeas.
- Motion to approve minutes as written from the November 18, 2015 workshop meeting with corrections noted by resident Beth Kapsar, Supervisor Moyer and Solicitor Bathgate was made by Vice-Chairman Ulrich, Chairman Payne second and carried with two (2) yeas. At this time, Chairman Payne called for votes not in favor of approving the minutes and none were presented.

Public Comment: No comments were presented at this time.

Persons Present to be Heard:

- Donald Steele of Northumberland National Bank was present to explain the letter from the bank regarding the refund of excess fees. Mr. Steele informed the Board of Supervisors an investigation of the trust department investment account showed the account was not a type of account the trust department was permitted to offer to Penn Township. After further investigation of the account, the accounts excess fund earnings were return to Penn Township along with the bank's calculation of the difference between the amount of the fee as proposed by the bank and amount of fees actually paid. The Board of Supervisors inquired as to what type of funds the Township may invest in as they move forward. Mr. Steele stated typically townships and school districts invest funds in bank certificates of deposit or government funds. Mr. Steele recommended the Township move the funds still sitting in the trust department to the commercial side of the bank. Chairman Payne stated a work session meeting will be held December 16, 2015 at 6:00 p.m. and could the bank send a representative to the meeting to discuss what should be done with the Township funds.
- Mary Shaffer, who came to tonight's meeting in place of Chad Shaffer, Stahl Shaffer Engineering, LLC, presented the revised Steven Bogush Subdivision Plan to the Board of Supervisors. Solicitor Bathgate stated the planning commission recommend approval with five (5) conditions, which were: 1) Plan certified by owner (completed), 2) Shared driveway agreement for proposed Lot 2 (received and review by the Solicitor - can't be signed until the lot is sold and brought back to the Township), 3) Written agreement with adjoining property owner, Ray Ulrich (received and appears to be appropriate), 4) Maintenance agreement (combined with the driveway agreement) and 5) Storm water calculations were reviewed by Township engineer (satisfied per email from Township engineer). Solicitor Bathgate stated all five (5) recommended conditions have been satisfied. Chairman Payne called for a motion to approve the Steven Bogush Subdivision Plan. Vice-Chairman

Ulrich made the motion to approve the Steven Bogush Subdivision Plan, second by Supervisor Moyer and carried with three (3) yeas. Supervisor Moyer informed Mary Shaffer once the plans are signed by the Supervisors and Planning Commission Chairman, the Township office will be in touch with Chad Shaffer to inform him the plans are ready to be picked up.

- Township auditor, Beth Kapsar presented a report on the interim audit conducted as a result of Lynne Renn's resignation as Township Secretary/Treasurer. The following findings from the interim audit were addressed with the Board of Supervisors: 1) The investment account at Northumberland National Bank has been out of balance since February 2015. Chairman Payne stated the Board of Supervisors would like Beth Kapsar to attend the workshop meeting on December 16, 2015 when the Northumberland National Bank accounts will be discussed. Beth Kapsar stated the finding issues appear to be caused by management and operational changes at the bank and informed the Board of Supervisors if the issue is not resolved promptly and properly a material finding will be noted with the year-end audit. 2) Lynne Renn still has a key to the office. Beth Kapsar stated the key should be returned or the locks should be changed. After a brief discussion of Lynne Renn's employment end date, the Board of Supervisors agreed the Township Secretary/Treasurer should contact Lynne Renn and request the key be returned. 3) Outstanding accounts payable checks and payroll check need to be cleared up promptly. Also, a deposit is outstanding for more than one year. Supervisor Moyer inquired if these checks need to be addressed at the upcoming workshop meeting. Beth Kapsar stated personally these items should be cleared promptly as part of normal business procedures.

Reports:

Isaac Ramer, Road Supervisor reviewed his written report submitted to the Board of Supervisors. Supervisor Moyer questioned which property owner did not return the right to enter form for tree trimming along Mountain Drive. Isaac Ramer reported the property owner's name is Timothy Deljanovan and also informed the Board of Supervisors there is a Verizon wire in place along the tree line, which needs to be removed before tree trimming could take place. Chairman Payne requested Isaac Ramer to stop by the property owner, who did not return the right to enter form, and present a new form to be signed for tree trimming. Supervisor Moyer stated there is a sign down along Old Colony Road. Isaac Ramer questioned the Board of Supervisors if they are okay with leaf collection ending Friday, December 4, 2015. The Board of Supervisors unanimously agreed with leaf collection ending, Friday, December 4, 2015. Chairman Payne reviewed Isaac Ramer's request for time off on December 31, 2015. The Board of Supervisors unanimously approved the request for time off on December 31, 2015.

Dave Bowersox, Zoning Officer provided no report for tonight's meeting.

Jim Geiswite, Assistant Zoning Officer reviewed the zoning office report for November 2015 with the Board of Supervisors. Jim Geiswite informed the Board of Supervisors about the nuisance element cases he involved the Solicitor, DEP and the Snyder County Conservation District office in order to come up with solutions. Jim Geiswite reported on a resident inquiry about the possibility of the Township compost site being a location for a cell tower due to the ongoing hearings being conducted in Selinsgrove Borough. Chairman Payne stated if the cell tower company is interested the Board of Supervisors would be willing to hear from them. At this time, Jim Geiswite stated he would like to address the revised Nuisance Ordinance being presented under Old Business on the meeting agenda. After a discussion with the Solicitor about the use of the Central Keystone COG's service by two other Townships in the county, Jim Geiswite stated he contacted the CKCOG about their service. Rebecca Kilps from CKCOG stated they use the International Property Maintenance Code (IPMC) for townships, who adopt the IPMC to replace their nuisance ordinance. At this time, Jim Geiswite reviewed information he received from Rebecca Kilps about the IPMC enforcement and adoption. After a brief discussion, the Board of Supervisors unanimously agreed to have the Secretary/Treasurer contact Rebecca Kilps to invite a CKCOG representative to the December workshop meeting to discuss the IPMC enforcement and fees involved.

Public Comments - Solicitor Bathgate questioned if the Board of Supervisors would like to discuss any further the issue with the cell tower and/or address public comments. Supervisor Moyer suggested since there is a number of residents present why not take a straw poll, all residents in favor of cell tower at the compost site please raise your hand. Further discussion regarding the possibility of placing a cell tower at the compost site was conducted with the public/residents by the Board of Supervisors. Also, a public question was raised about the Assistant Zoning Officer's procedure for addressing nuisance complaints. Jim Geiswite, Assistant Zoning officer stated a nuisance complaint is addressed by contacting the resident(s) involved.

Elizabeth Paige, Secretary presented a written report, which included: 1) Municipal Services representative email regarding the portion of T454 - Old Route 11 & 15 not vacated by the Township, which will require a 40' radius minimum turnabout in order for the roadway to be compliant. After a brief discussion, the Board of Supervisors unanimously agreed the cost to install a 40' radius turnabout would be greater than the liquid fuels funding received for T454 if made compliant. 2) Written request to receive the compensation of \$150.00 for electing not to be covered under the Township's health insurance policy was submitted per the Township Personnel Policy. After a brief review of the request, Vice-Chairman Ulrich made the motion to approve the written request as submitted by the Secretary/Treasurer, second by Supervisor Moyer and carried with three (3) yeas. 3) Township Tax Collector completed 6 online re-certification credits costing \$35.00 per credit and would like the Board of Supervisors to consider reimbursement for the total cost of \$210.00 for the credits. A motion to reimburse the Tax Collector for the 6 re-certification credits with total cost of \$210.00 was made by Vice-Chairman Ulrich, second by Supervisor Moyer and carried with three (3) yeas. 4) Planning Commission recommendation to establish a stipend for the members and reappointment of member Dan Kuruna. The Board of Supervisors unanimously agreed the reappointment of Dan Kuruna will be addressed at the January reorganizational meeting. Supervisor Moyer stated a \$25.00 stipend with meeting attendance was discussed at previously held meetings. Solicitor Bathgate stated the MPC states "Except for elected or appointed officers or employees of the municipality, members of the commission may receive compensation in an amount fixed by the governing body. Compensation shall not exceed the rate of compensation authorized to be paid to members of the governing body." Supervisor Moyer stated she researched this before and it seems a lot of municipalities do paid compensation either by the hour or a flat amount. Supervisor Moyer stated she recalls discussion by the planning commission members was an amount of \$25.00 per meeting if the member attended the meeting, which could be paid quarterly with taxes deducted. Chairman Payne questioned will the workshops be considered a meeting also. Township auditor, Beth Kapsar stated as the planning commission members are not employees a stipend could be paid along with a year end 1099 being issued if required. After addressing public comments and further discussion, Vice-Chairman Ulrich made the motion to pay both the planning commission members and the zoning hearing board members compensation of \$25.00 (maximum) per month provided a regular meeting or hearing is held and attended, second by Supervisor Moyer and carried with three (3) yeas. 5) Zoning Hearing Board member, Joe Dubaskas was contacted regarding his term expiring 12/31/15 with Joe stating he is willing to serve another term on the Zoning Hearing Board. The Secretary/Treasurer also reviewed several informational items with the Board of Supervisors.

Fred Ulrich, Emergency Management Coordinator reported on a power outage in regards to the traffic light at Route 35. The Secretary/Treasurer contacted PPL and was informed it could be several hours before the power would be restored. Fred Ulrich stated he reported the incident to the emergency management center, which seem to help as the power was restored very shortly afterwards.

Jim Bathgate, Solicitor reported he has not heard anything from the District Attorney's office regarding the private criminal complaints for delinquent Local Service taxes. The Solicitor stated a follow up call to the DA's office was made today and the answer was the complaints are still being reviewed. Solicitor Bathgate reported he is currently working with Chris Sheaffer on an easement agreement for Mr. Herman to sign in regards to the Herman Road culvert maintenance. At this time, Solicitor Bathgate stated he would like to present Resolution No. 2015-11, which reads as follows: The undersigned, being the Supervisors of the

Township of Penn, Snyder County, Pennsylvania, do hereby adopt the following resolution by means of unanimous consent: RESOLVED that the Board of Supervisors of Penn township unanimously recognize with sincere appreciation the services rendered by its esteemed member, Fred Ulrich, who will no longer be serving with the Board of Supervisors, effective December 31, 2015. Fred Ulrich has unselfishly served on the Board of Supervisors of Penn Township for the past twelve (12) years. During his years of service, he has served in multiple capacities including Emergency Management Coordinator, Assistant Road Master, Chairman and Vice Chairman. He has given a tremendous amount of time to serving the Township, and has been an active and effective Supervisor. Fred Ulrich has always done what he felt was best for the Township. He has furthered Township concerns on both state and county levels. Thank you, Fred Ulrich, for a job well done. FURTHER RESOLVED that this Resolution shall be spread upon the minutes of the Board and that a certified copy shall be supplied to Fred Ulrich. Chairman Payne called for a motion to adopt Resolution No. 2015-11. Supervisor Moyer made the motion to adopt Resolution No. 2015-11, second by Chairman Payne and carried with two (2) yeas. Chairman Payne stated to Fred Ulrich, "Your time and service to the Township has gone well beyond the twelve (12) years you have served. Thank you."

New Business:

- Community Development Block Grant Program general application of description/certifications was presented for approval. Solicitor Bathgate stated he has reviewed the general application, which appears to be for the submission of activities for administration, balance due on Bake Oven Hill Road reconstruction and On-lot sewage disposal system rehabilitation/replacement and recommends a motion for approval. Vice-Chairman Ulrich made the motion to approve the Community Development Block Grant Program general application of description/certifications, second by Supervisor Moyer and carried with three (3) yeas.
- The 2016 Proposed Penn Township Budget was presented for public comments. Vice-Chairman Ulrich stated this was the first time he prepared a budget for over a million dollars. Supervisor Moyer questioned the Solicitor as to what the last date the budget may be adopted. Solicitor Bathgate stated he would need to review the Second Class Township Code for the date. At this time, the Secretary/Treasurer supplied the Solicitor with a copy of the Second Class Township Code from the Township office. Beth Kapsar questioned if the budget was advertised for public comments. The Secretary/Treasurer stated the proposed 2016 budget was advertised for public inspection at the Township office with the expected date of adoption by the Board Supervisors to be the December 2, 2015 meeting. Chairman Payne decided to move forward with tonight's agenda while the Solicitor researched the Second Class Township Code for the budget adoption date.
- Snyder County Board of Assessment Revision form, which is a request to provide Penn Township's 2016 tax rates, was presented for review. The Secretary/Treasurer informed the Board of Supervisors the tax rate information being provided was taken from the Department of Community and Economic Development (DCED) website since all municipal tax rate changes must be reported to DCED. After a brief review, Supervisor Moyer questioned if the hydrant rate of 1 mill was correct. Township auditor, Beth Kapsar questioned if any of the tax rates being reported would change the proposed budget tax income. Supervisors stated the hydrant tax collected is a pass through tax sent to the municipal authority. Supervisor Moyer stated the increase in the Local Service Tax effective 1/1/2016 was taken into account during the preparation of the proposed budget. With no further discussion or comments, Vice-Chairman Ulrich made the motion to approve the 2016 tax rates being reported to the Snyder County Board of Assessment, second by Supervisor Moyer and carried with three (3) yeas.
- Renewal of health insurance coverage for Penn Township was presented by the Secretary/Treasurer. The Secretary/Treasurer stated Christine Miller of Christine Miller Insurance Agency, LLC was into the office earlier today to review the renewal. The Secretary/Treasurer reviewed the Capital Blue Cross renewal information, which indicated a change in premium of +9.03% and the Healthy Vision

24/10 Vision renewal information, which indicated a change in premium of +15.64%. At this time, the Board of Supervisors addressed several comments from the public regarding the health insurance coverage renewal. Supervisor Moyer stated since the health insurance must be offered under the Affordable Health Care Act, she is now forced to take the health insurance offered by the Township as a Supervisor whereas before she was covered under her husband's health insurance. Several public comments addressing the \$150.00 payment offered to employee/supervisors for not electing to take the health insurance coverage were addressed by the Board of Supervisors.

- Solicitor Bathgate informed the Board of Supervisors as a follow up to the budget adoption date question presented earlier, according to the Second Class Township Code after the proposed budget has been made available for public inspection, the Board of Supervisors shall adopt the budget no later than December 31. Solicitor Bathgate stated should there be any increases set forth here the budget would need to be advertised again pending on how large any of the proposed increases are. Also, a section states during the month of January next following any municipal election the Board of Supervisors may amend the budget and follow the procedures within the Second Class Township Code. The Board of Supervisors unanimously agreed the review of the proposed 2016 Township budget will be continued to the December 16, 2015 workshop meeting.
- Chairman Payne stated he requested the part-time secretary position be placed on the agenda. With no further discussion needed at this time, Chairman Payne stated as he remembered there was a decision not hire anyone.
- Executive session as needed for legal and/or personnel discussion. The Board of Supervisors unanimously agreed no executive session was needed at this time.

Old Business:

- Herman Road project: Vice-Chairman Ulrich stated the Solicitor review the easement with his report to the board earlier in the meeting. The Secretary/Treasurer reviewed an email from Chris Sheaffer of Larson Design Group regarding the question about a decision on the type of terminal end section to be utilized with the guide rail, which will be installed by PennDOT. Supervisor Moyer stated information on the types of end sections was provided in an earlier email to the Township and maybe this decision could be made at the upcoming workshop meeting. Vice-Chairman Ulrich agreed as the guide rail will not need to be included in the bid package as the installation of the guide rail will be done by PennDOT under the agility program.
- Revised Nuisance Ordinance: Vice-Chairman Ulrich stated as discussed earlier tonight, the decision was to hold off on advertising until the review of what Central Keystone COG has to offer under the IPMC. The Board of Supervisors unanimously agreed to table the revised nuisance ordinance until after hearing from Central Keystone COG.

Correspondence: Chairman Payne stated the correspondence listed on the tonight's meeting agenda would be entered into the minutes and Vice-Chairman Ulrich agreed. Correspondence listed was as follows:

- Draft minutes 11/23/2015 PC meeting
- Fax copy of letter from Cravitz Law Office - Termination of Brenda Moyer
- Thank you letter from Foster Grandparent Program for recent donation
- PSATS NewsBulletin September - October 2015
- PennDOT letter - Clarification on Bituminous Concrete Modified with Asbestos

At this time, Supervisor Moyer stated part of the correspondence was the letter supplied to the Township from her attorney, Bob Cravitz. Chairman Payne stated yes, the letter was part of the correspondence listed on the agenda. Supervisor Moyer stated within the letter is the request to have the Board consider reappointing her to all her previous positions. At this time, a public comment as to why the part-time secretary position was struck from the agenda earlier. Chairman Payne stated he was debating whether it was time to hire another part-time secretary but felt the Board is not prepared to do so. Supervisor Moyer stated in her opinion she feels the Board is prepared to re-instate her. Vice-Chairman Fred Ulrich stated there is pending litigation against the Township and it pertinent for the Township not to address any pending litigation in a public meeting without the Solicitor advising the Board on how to continue. A public question was raised is there litigation pending or just based on this discussion. Solicitor Bathgate stated there was a letter submitted and there could be possible litigation with his recommendation being that the Township should pending the outcome submit this to their insurance carrier because of a potential claim. Solicitor Bathgate stated the Supervisors may hold an executive session to discuss threatened litigation issues. A public question was raised no pending litigation at this time. Solicitor Bathgate agreed not currently pending is correct. Supervisor Moyer requested Solicitor Bathgate repeat the comment about executive session and could the executive be held right now. Solicitor Bathgate repeated the Supervisors may hold an executive session to discuss threatened litigation issues and the executive session may be held in the public. Solicitor Bathgate stated he is in an awkward situation because if Supervisor Moyer is represented by council then on behalf of the Township he should not be included in a private executive session to discuss anything with Supervisor Moyer. Solicitor Bathgate recommend Supervisor Moyer should have council present. Supervisor Moyer stated her council could not be here but she was given his number to call him tonight if needed. Supervisor Moyer stated she would like to know why the Board chooses not to re-instate her and should let all the people present tonight know why she was terminated. Chairman Payne stated absolutely not, it was all done in an executive session. Supervisor Moyer stated the Board cannot terminate someone without bringing the accusers to her in the public and this was part of the reason why she needed to get an attorney as she was treated unfairly. Supervisor Moyer further stated let's back up to where Chairman Payne and Vice-Chairman Ulrich held an executive session at an unadvertised meeting without her being present with her so called accusers about this. Chairman Payne stated the executive session was for investigative purposes to hear the people from who called and therefore no planned meeting. Supervisor Moyer ask Chairman Payne who were the people who called. Solicitor Bathgate stated the Township does have to be careful and at this time, the Board can either pass the motion to re-instate Supervisor Moyer or choose not to. Supervisor Moyer stated does the Township know it has put itself into a bind by firing her without a proper investigation then the Township admitting to this. Solicitor Bathgate stated the answer to that statement is a legal interruption of the personnel policy and the personnel policy is clear that employment at Penn Township is at will. Supervisor Moyer stated if there is an illegal executive session held and action is taken out of that meeting then it makes everything that happens because of that null and void. Solicitor Bathgate stated again this is legal factorization as to whether there was a legal executive session held and if there is threatened legal litigation then the Board should not be discussing those facts. A member of the public question can the public ask questions. Solicitor Bathgate stated it depends on what those questions are. A public question raised was that the understanding of the Solicitor's interpretation of the employment law is an employee can be fired based on a complaint without verifying the complaint is valid. Solicitor Bathgate stated he will not give his interpretation of the law as this is getting into litigation issues. At this time, the following is a brief summarized listing but not all inclusive of public comments, questions and concerns which were addressed by the Board of Supervisors regarding the termination of Brenda Moyer: 1) No procedure/method in place to respond to complaints by employees, 2) Recommendation for submission to the Township insurance carrier pending the outcome of a potential claim, 3) Employee complaints (so called written documents) regarding the creation of a hostile work environment, 4) Policy for employee performance evaluation and corrective action procedures, 5) Are complaints valid and how the complaints are researched (interviews conducted), 6) Protocol for the procedures on how both resident and employee complaints are handled and 7) Recommendation to re-instate Brenda Moyer for 90 days so further investigation can be conducted on the termination matter.

Executive session was convened at 8:48 p.m. Chairman Payne called the meeting back to order at 9:25 p.m. and stated the executive session was held for discussion of a personnel issue with no official action being taken. At this time, Vice-Chairman Ulrich made the motion to re-instate Brenda Moyer to her position of part-time secretary with all former duties on a 90 day probationary period subject to any changes by the new board coming in January and with all pending litigation being dropped by Brenda Moyer and with back pay, 6% interest and the holiday benefit based on her original job position of 2 days a week. With a second from Chairman Payne, the motion was carried by three (3) yeas. Vice-Chairman Ulrich made a second motion that any incident in the future with any employee will be handled by at least two (2) Supervisors and their individual supervisor will handle any situation except if it is an emergency type situation, which happens to deal with whether or such, and any complaints in the future will be handle by the Solicitor, who will investigate if any action needs to be taken. With a second from Supervisor Moyer, the motion was carried with three (3) yeas. At this time, Solicitor Bathgate recommended the original motion to re-instate Brenda Moyer be amended with Supervisor Moyer abstaining since there was a majority vote to approve. Supervisor Moyer agreed to withdraw her vote and abstain. A public “thank you” was offered to the Board of Supervisors for taking all the public comments into consideration with their decision to re-instate Brenda Moyer.

OTHER BUSINESS:

- Pete DeWire informed the Board of Supervisors even though he is not officially on board as a Supervisor, he will not be able to attend the December 16, 2015 workshop meeting.
- Vice-Chairman Ulrich stated the items mentioned in the previous motion should be placed into the Township personnel policy.
- Solicitor Bathgate inquired for clarification is it the intention of the Board of Supervisors to hold the January 4, 2016 reorganization meeting followed by a regular meeting so therefore no meeting will be held on Wednesday, January 6, 2015. The Board of Supervisors unanimously agreed with January 4, 2016 reorganization meeting followed by a regular meeting. At this time, the advertisement of the 2016 Township meeting schedule was discussed. Zoning Hearing Board member, Jan Ritter also questioned if the matter of increasing the number of members on the Zoning Hearing Board was addressed by Solicitor Slivinski. A brief discussion of the upcoming 2016 board member appointments was held by the Board of Supervisors. Also, a brief discussion regarding the update of the Township’s comprehensive plan was held at this time.
- Supervisor Moyer questioned Beth Kapsar, recreation board member if the recommendation of the increases in the recreation park fees would be discussed at the upcoming recreation board meeting. Pete DeWire, recreation board member stated the recreation board is awaiting a donation towards upgrading the Veterans Memorial. Supervisor Moyer stated the donation of \$500.00 from Wayne Brouse of Susquehanna RV has been received and sent to Beth Kapsar.

Approval of Accounts Payable: Vice-Chairman Ulrich made the motion to approve the payment of the Accounts Payables, second by Supervisor Moyer and carried with three (3) yeas.

Meeting Adjournment: Vice-Chairman Ulrich made the motion to adjourn tonight’s meeting at 9:50 p.m., second by Supervisor Moyer and carried with three (3) yeas.

Respectfully Submitted,

Elizabeth Paige
Township Secretary