

Acting Chairman Dennis Luckenbaugh called the Reorganization and Regular Meeting to order at 6:00 p.m. with the following in attendance:

Supervisor Nelson Brenneman
Supervisor Tanya Crawford

Mark E. Derr, Manager
Dennis Sarpen, Engineer
Julie B. Maher, Recording Secretary
Approximately 20 citizens

I. **Reorganization**

A. **Motion** by Luckenbaugh, second by Crawford, to elect Nelson Brenneman as Temporary Board Chairman. All members voted aye; motion carried.

B. **Motion** by Crawford, second by Luckenbaugh, to nominate Nelson Brenneman as Board Chairman. All members voted aye; motion carried.

C. **Motion** by Crawford, second by Brenneman, to nominate Dennis Luckenbaugh as Board Vice Chairman. All members voted aye; motion carried.

D. **Motion** by Luckenbaugh, second by Crawford, to appoint Mark E. Derr as Township Manager and Secretary. All members voted aye; motion carried.

E. **Motion** by Crawford, second by Luckenbaugh to appoint Esther Clark as Assistant Township Secretary. Two members voted aye; Brenneman abstained. Motion carried.

F. **Motion** by Luckenbaugh, second by Crawford, to appoint Sharon M. Kerchner as Township Treasurer. All members voted aye; motion carried.

G. **Motion** by Luckenbaugh, second by Crawford, to appoint Mark E. Derr as Assistant Township Treasurer. All members voted aye; motion carried.

H. **Motion** by Luckenbaugh, second by Crawford, to appoint Ray A. Dietrich, Jr., as Township Zoning Officer and Building Codes Official. All members voted aye; motion carried.

I. **Motion** by Crawford, second by Luckenbaugh, to appoint Mark E. Derr as Assistant Zoning Officer. All members voted aye; motion carried.

J. **Motion** by Luckenbaugh, second by Crawford, to appoint James R. Holley and Associates as the Township Engineers *on a month-to-month basis*, at the following rates:

Senior Project Manager	\$ 113.00 per hour
Project Engineer	\$ 97.50 per hour
Landscape Architect	\$ 97.50 per hour
Chief of Surveyors	\$ 88.50 per hour
Designer II	\$ 86.00 per hour
Designer I	\$ 77.00 per hour
Designer	\$ 58.50 per hour
CADD Technician	\$ 77.00 per hour
Survey Technician	\$ 77.00 per hour
Draftsman	\$ 45.00 per hour
Word Processor	\$ 43.00 per hour

3-man survey crew	\$ 132.00 per hour
3-man survey crew w/ GPS	\$ 146.00 per hour
2-man survey crew	\$ 132.00 per hour
2-man survey crew w/ GPS	\$ 107.00 per hour
Direct Expenses –	
1. Sub-consultants	Cost + 5%
2. Outside Reproduction	Cost + 5%
3. Filing fees	Cost
4. Mileage	\$.55/mile

All members voted aye; motion carried.

K. **Motion** by Luckenbaugh, second by Crawford, to appoint as Township Solicitors Miller, Poole & Lord, LLC, *on a month-to-month basis*, at the following rates: Attorneys, \$110.00 per hour; paralegals, \$50.00 per hour. All members voted aye; motion carried.

L. **Motion** by Crawford, second by Luckenbaugh, to appoint Sewage Enforcement Officers as follows:

Robert W. Whitmore, SEO and
David R. Brown, Alternate SEO

All members voted aye; motion carried.

M. **Motion** by Luckenbaugh, second by Crawford, to appoint Commonwealth Code Inspection Services as the Building Inspector. All members voted aye; motion carried.

N. **Motion** by Luckenbaugh, second by Crawford, to appoint Carlene Stough as Emergency Management Coordinator and Wayne Stough and Rob Green as Deputies. All members voted aye; motion carried.

O. **Motion** by Crawford, second by Luckenbaugh, to appoint the following Banking Depositories: Susquehanna Bank, and the Pennsylvania Local Government Investment Trust (PLIGIT). All members voted aye; motion carried.

P. **Motion** by Crawford, second by Brenneman, to set the pay rate for non-uniform employees at an amount equal to or less than the budgeted amount. Two voted aye; Luckenbaugh opposed. Motion carried.

Q. **Motion** by Luckenbaugh, second by Crawford, to set the mileage reimbursement rate to compensate Supervisors and Township Employees for the authorized use of their personal vehicles at a rate equal to the IRS Mileage Allowance Rate as adjusted throughout the year, currently at \$.50 per mile. All members voted aye; motion carried.

R. **Motion** by Crawford, second by Luckenbaugh, to appoint Dennis Luckenbaugh as Delegate and Mark Derr as the Alternate Delegate to the Convention of Pennsylvania State Association for Township Supervisors. All members voted aye; motion carried.

S. **Motion** by Luckenbaugh, second by Crawford, to set the Treasurer's and Assistant Treasurer's Bond each at \$500,000.00. All members voted aye; motion carried.

T. **Motion** by Luckenbaugh, second by Crawford, to appoint Carlene Stough as Chairman of the Vacancy Board. All members voted aye; motion carried.

U. Commissions and Board Appointments

Motion by Crawford to appoint Al Wright to the Zoning Hearing Board. *Motion died for lack of a second.*

Motion by Luckenbaugh, second by Brenneman, to appoint Raymond E. Webb to the

Zoning Hearing Board, with Al Wright as the second alternate. Two members voted aye; Crawford opposed. Motion carried.

Motion by Crawford, second by Luckenbaugh, to appoint Brian Buchanan to the Planning Commission for a 5-year term to expire 12/31/2014. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to appoint Cynthia Stoner to the Community Building Committee for a 5-year term to expire 12/31/2014. No replacement for Shirley Stine was identified. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to appoint Jeffery Hall to the Rec Board for a 5-year term to expire 12/31/2014. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to appoint Nelson Brenneman as the Supervisors' representative to the SWRPD Board for a 2-year term to expire on the first Monday of 2012. All members voted aye; motion carried.

Motion by Crawford, second by Luckenbaugh, to appoint Russell Fuhrman, Jr., to the Sewer Authority for a 5-year term to expire 12/31/2014. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to appoint the following to the Ag Security Board:

- Dennis G. Luckenbaugh, Chairman
- Nelson R. Brenneman
- Thomas W. Waltersdorff
- Peter E. Byrne
- Michael N. Krebs

All members voted aye; motion carried.

V. **Motion** by Crawford, second by Brenneman, to approve the 2010 Fire Police Roster as presented. All members voted aye; motion carried.

W. **Motion** by Crawford, second by Luckenbaugh, to appoint Dennis Luckenbaugh as the Delegate to the Local Government Advisory Committee, no alternate identified. All members voted aye; motion carried.

X. **Motion** by Luckenbaugh, second by Crawford, to appoint Larry Wildasin as Township Fire Chief. All members voted aye; motion carried.

Y. **Motion** by Crawford, second by Luckenbaugh, to set the non-uniform full-time benefits for 2010 as stated in the Personnel Handbook. All members voted aye; motion carried.

Z. **Motion** by Crawford, second by Luckenbaugh, to approve the following holidays for the non-uniform employees:

- | | |
|------------------|----------------------------|
| New Year's Day | Veterans' Day |
| Presidents' Day | Thanksgiving Day |
| Good Friday | Day after Thanksgiving Day |
| Memorial Day | Christmas Eve day |
| Independence Day | Christmas Day |
| Labor Day | Employee's birthday |

All members voted aye; motion carried.

AA. **Motion** by Luckenbaugh, second by Brenneman, to set the Township Office hours for 2010 at

8:30 a.m. to 4:30 p.m. Monday through Friday. Two members voted aye; Crawford opposed. Motion carried.

BB. **Motion** by Crawford, second by Luckenbaugh, to appoint Nelson Brenneman as the Public Works Coordinator. All members voted aye; motion carried.

II. **Minutes**

Motion by Crawford, second by Luckenbaugh, to approve the minutes of the meeting of December 15, 2009. Two members voted aye; Brenneman abstained. Motion carried.

III. **Treasurer's Report**

Not available at this time.

IV. **General Public Comment**

A. Rodney Shearer welcomed Nelson Brenneman back on the Supervisors Board. He hopes that the Board will re-visit the Budget. He sees the Township spending nearly \$80K more than last year for personnel. He also has a problem with the new local services tax. Mr. Brenneman said that there will be a public meeting to discuss the budget.

B. Lisa Dennis asked why Mrs. Crawford was opposed to the change in the office hours. Mrs. Crawford noted that she was opposed to the change because the extended hours on Monday had been a convenience for people picking up permits before or after their working hours.

V. **Police Report and Police Board Report**

Chief Bean was present. The final report for December was not yet available. The Chief noted that there is a budget and an approved employee contract.

VI. **Fire Company Report**

Larry Wildasin presented the reports for November and December 2009.

VII. **Permits, Plans, and Modules**

A. Shearer Partnership – proposed improvements for Panther Hill Road

Doug Stambaugh from GHI was present on this plan. He noted that they've made a request for improvements to Panther Hill Road, namely, a waterway or swale that would parallel the west side of Panther Hill, plus a diversion terrace that would divert the water to the woods and eventually to the stream to the west of the road. There are only two lots on the west side of the road and one lot on the east. Mrs. Crawford asked if there will be easements to take that water across the other lots? Mr. Stambaugh indicated that there could be. Just a portion of the swale would be on the upper lot. Mr. Sarpen doesn't have a problem with the concept of the proposal, but he's very interested in seeing a detailed plan which shows everything that is being proposed complete with easement agreements to be recorded. Mrs. Crawford stated that the plan, when complete, should be resubmitted to staff for review and that the easement agreements, to be signed by each of the property owners, should be submitted to the Solicitor for review. Mr. Stambaugh hopes to have the detailed plan available for the February or March meeting.

B. Beth Hyser – consideration of requirements for in-law quarters

Ms. Hyser presented her request. In August 2008, she received a permit from the Township to put a 24' x 40' mobile home on her property for her handicapped sister. Now, upon renewal of her permit, she has been informed that she needs to put another septic system in, to meet the DEP requirements. She either needs to put in another tank before her current septic system or abandon her current system altogether and install a new, larger system. Her home has 3 bedrooms and the double-wide is a 3-bedroom facility as well. Mrs. Crawford said that the former Zoning Officer did not require her to speak with the Township SEO at the time of the original application. Ms. Hyser noted that if she had known that an expanded septic system was going to be required, she likely would not have put the mobile home on the lot. She would have just put an addition onto her house. It was also noted that this is a temporary situation; the double-wide must be removed after it's no longer needed. Her question was how to comply with the requirements, and would it be better to just go ahead and replace her old septic system? She noted that this is certainly not the best time of year to be digging up the yard. The Board directed her to work with the Zoning Officer and the SEO to determine how best to proceed.

VIII. **Administrative Reports**

A. Manager's Report

1. **Motion** by Crawford, second by Luckenbaugh, to approve Harry Joseph Darrah, III's, license to maintain a junkyard at 1384 Sunnyside Road. All members voted aye; motion carried.

2. Mr. Derr presented the proposals for replacing the backhoe. The Public Works Director's recommendation is to go with the John Deere 310, at a cost of \$89,732.50.

Motion by Luckenbaugh, second by Crawford, to approve the purchase of the new JD 310 Backhoe with Liquid Fuels funds at a cost of \$89,732.50. All members voted aye; motion carried.

3. Mr. Derr reported that the Township Solicitor has filed a Civil Action against Cornerstone at Colonial Crossings, LP, Cornerstone Development Group, Inc., etc. for breach of contract, unjust enrichment, tortious interference with contract rights, fraudulent or in the alternative, negligent misrepresentation, and conspiracy to commit fraudulent misrepresentation.

4. The Township Solicitor has also filed a Petition to Intervene in the appeal of CMV Sewage Co., Inc., for non-renewal of the NPDES permit by DEP.

B. Engineer's Report

Nothing at this time. He'll have input on the Bentz Road box culvert discussion.

C. Solicitor's Report

Nothing at this time.

IX. **Old Business**

None at this time.

X. **New Business**

A. **Motion** by Luckenbaugh, second by Crawford, to approve Resolution 01-01-2010, appointing Mark E. Derr as Chief Administrator of the Non-Uniform Pension Plan. All members voted aye; motion carried.

B. Discussion was held on the proposal to change the Bentz Road culvert from a box culvert to an arch culvert. Mr. Brenneman stated that in order to qualify for the Dirt and Gravel Road grant program, an arch culvert would be needed. Mr. Sarpen noted that the Township has already received a permit from DEP to install a box culvert. If the Township elects to install an arch culvert, depending on the proposed change in height of the roadway, a different type of permit may be required. Mr. Sarpen suggested that it may be a good idea to have a meeting with Supervisor Brenneman, the Engineer, Manager, Public Works Director and Gary Peacock who is in charge of the Dirt & Gravel Road grant program.

From the audience, Russell Fuhrman proposed putting cul-de-sacs on either side of the road and eliminate the bridge altogether. Mr. Brenneman indicated that he would rather not plow snow on a cul-de-sac. A meeting will be set up to make sure everyone is aware of DEP's requirements as well as the requirements of the Dirt & Gravel Road program.

There being no further business related to the Engineer, Mr. Sarpen left at 7:07 p.m.

The Board members discussed how best to address the budget issue. They'll continue tonight's meeting; reopen it on January 19 at 6 p.m., and iron out the budget details. The regular meeting in February will be February 9th at 6:30 p.m., instead of February 16 at 7:00 p.m. This is so that the budget can be approved by the Second Class Township Code's February 15th deadline.

XI. **Announcements**

- A. The Elected Auditors' meeting will be held January 5 at 4 p.m.
- B. The SWRPD Board will meet on January 13.
- C. The Sewer Authority will meet on January 18.
- D. The Community Building Committee will meet January 18 at the CB.
- E. The Recreation Board will meet on January 25.
- F. The Planning Commission will meet on January 26.
- G. There is no Zoning Hearing Board meeting for January.
- H. The budget meeting of the Board of Supervisors will be held on January 19, 6 p.m.
- I. The next Board of Supervisors meeting will be held on February 9 (note date change!)

At 7:16 p.m., the Board retired to an Executive Session to discuss personnel issues. No action will be taken.

The Board reconvened the regular meeting at 7:55 p.m.

Motion by Crawford, second by Luckenbaugh to change the time of all future Board of Supervisors meetings to 6:30 p.m. All members voted aye; motion carried.

Motion by Luckenbaugh, second by Crawford, to recess the meeting to January 19, 2010 at 6:00 p.m. All members voted aye; motion carried. The meeting recessed at 8:00 p.m.

Respectfully submitted,

Mark Derr,
Township Secretary/Manager
Julie B. Maher,
Recording Secretary