

**February 26, 2014**  
**Tyrone Township**  
**Board of Supervisors Meeting Minutes**

**Call Meeting to Order**  
**Pledge to Allegiance**  
**Public Participation**  
**Review Previous Meeting Minutes**  
**Review Bills**  
**Approval of January Bank Statement**

The Tyrone Township Board of Supervisors' regularly-scheduled 2014 meeting was called to order at 7:00 PM by Chairman Raub. Present were: Chairman Russell Raub; Vice-Chairman David K. Shupe; James D. Lady, Supervisor; Donna Dixon, Secretary-Treasurer; David Richwine, Planning Commission; Rosalie Dashoff, Township Citizens Committee; Corporal Victor Woerner, PA State Police; Ron Carlson, Advanced Disposal Service; Thomas Eyler, Township EMS Coordinator; Erick Vranich, Wm. F. Hill & Assoc., Inc., Township Engineer; and Barry Ortmyer and Tim Cook, Township residents.

Raub thanked the Township road crew for doing a very good job plowing the roads. He read a letter he received from a resident who thanked the Township Road Crew for the outstanding job in removing the snow from the roads. Lady mentioned sending a thank you letter to David Weidner on Funt Road for providing tools and helping the road crew fix a flat tire during the last snow storm.

**Public Participation**

- Ortmyer asked if the road crew lost a tire chain. Lady replied that none of the Township trucks had chains on this year.

Lady made a motion to approve the Public Workshop Meeting Minutes. This meeting was continued from February 5, 2014 to February 12, 2014 due to inclement weather. Shupe seconded the motion. The motion carried unanimously.

Shupe made a motion to approve the February 12, 2014 meeting minutes and Lady seconded the motion. The motion carried unanimously.

Shupe made a motion to approve the billing list and Lady seconded the motion. The motion carried unanimously.

The Board reviewed and approved an additional January 2014 Bank Statement.

**NEW BUSINESS**

**Sergeant McAreavy, PA State Police** - Due to another commitment, Sergeant McAreavy asked Corporal Woerner to represent him at tonight's meeting. Since 1998, there have not been any incidents in Tyrone Township; and for the last three months, there has been no pattern of criminal activity, with the exception of occasional crashes and DUIs on Route 15. There was one burglary in the last three months. The barracks will

be relocated to a new site in the near future due to inadequate space in a nearby location. Raub asked Corporal Woerner, if in the future, the Township Zoning Officer would need PA State Police to accompany him to sites, and advanced notice is given, would the State Police comply. Corporal Woerner replied if given at least one day's notice, the PA State Police will accommodate the request. It is categorized as a 'Request to Assist Other Agencies'.

**Barry Ortmyer and Tim Cook – Zoning Ordinances** - Ortmyer and Cook were present to revisit an issue located at 821 Company Farm Road concerning a previous property owner having horses on approximately one and one-half acres which created land erosion. They requested a text amendment be included in the Township Zoning Ordinance in the Residential Zoning District to protect the residents from this situation happening again. Raub read the minutes from the February 13, 2013 Board of Supervisors Meeting that Ortmyer and Cook attended and asked Ortmyer if he was dissatisfied with the agreement made at that time or if he changed his mind. Ortmyer replied he thinks it's better to be proactive rather than wait until the problem arises. Slothour followed up with the realtor and sent a letter indicating that horses are not allowed in the Residential Zoning District. However, in a residential area, if the horses are considered pets, it would be all right to have them and this amendment could be challenged. In Adams County, there is no township that defines how many animals are permitted per square foot or mile or acre. As the Township Solicitor previously stated, the Zoning Ordinance does not say you can or you cannot. Raub suggested that this topic be tabled until the next Board of Supervisors Workshop and in the meantime review the information. There is an upcoming Community Meeting on May 7 at 7 PM at the Heidlersburg Fire Hall and Raub encouraged Messrs. Ortmyer and Cook to attend. Also, in the meantime, Raub will request the advice of the Planning Commission. The Board needs some guidance in making a decision because the Township has no past precedence to follow.

**Ron Carlson, Advanced Disposal** - Carlson introduced himself and is the Marketing Manager for Advanced Disposal. He apologized for any difficulty during the startup of their contract in January and the service problems created by the snow storms. Carlson asked that he be contacted if there are any problems to be resolved with any of the residents and left his contact information for future reference. He will attempt to attend as many Township meetings as possible to make sure excellent service is being provided by Advanced Disposal. Lady commented that no matter what company it is, there is a transition period and the drivers are unfamiliar with this area. The Board Members mentioned some of the problems they and other residents have experienced such as the difficulty reaching their Customer Service Department, providing misinformation and being argumentative; and the time consumed by the Township Officials and personnel regarding the problems the residents were experiencing incurring costs in the several thousands of dollars. The Township does not plan to pursue processing fines. However, Raub asked the assistance of Carlson if in the future the Township may be in need of some assistance. Carlson replied that he is also the Government Affairs Manager and Advanced Disposal has the resources to assist the Township. They sponsor and also provide contributions to many local community affairs.

**Wilbur Slothour – Status of Enforcement Actions Regarding 811 East Berlin Road** - Slothour and Robert Whitmore, the Township Sewage Enforcement Officer, will be visiting this property on Friday, February 28, 2014 at 9 AM. Slothour notified Children Youth and Services of the visit. Slothour and Whitmore have the opportunity to visit but must have permission to go on site.

Regarding the Garcia property situation, there have been occasions where the vehicles have been close to the roadway and occasionally the Garcias will pull some cars out into the white line area. Slothour spoke to the State Police regarding placing no parking signs in the right-of-way and they will enforce it but the Township must conduct a traffic study beforehand. It would behoove the Garcias to refrain from parking cars near the

road because of the liability. The Nuisance Ordinance is the only ordinance that would apply; however, Stapleton must testify in order for the Township to enforce it. Lady made a motion to give Slothour the authority to send a letter notifying the Garcias of the sight distance and the parked cars. Shupe seconded the motion. The motion carried unanimously. Slothour will also send a separate letter to Roy Stapleton so he is aware of the Township's action.

**David Richwine, Chairman, Township Planning Commission** - Richwine reported on the February 19, 2014 Planning Commission meeting. Dean Lobaugh's resignation letter was accepted by the Planning Commission. Richwine suggested when filling the position, someone in the farming livestock community should be considered. He also suggested the Planning Commission members be increased from five (5) to seven (7) and that John Adamik be reinstated to the Planning Commission. The topic of pay was raised again and the Commission decided they would like to be compensated. Comments were made regarding the LSC Design Conditional Use Application for the Rutter's Store preparation. The only topic on the agenda that was not discussed was the well ordinance. Discussion ensued regarding the Planning Commission regulations regarding compensation. Richwine's opinion is the rate of pay should be a set fee per meeting which would be an incentive for the members to attend. The Board of Supervisors will research what is reasonable compensation for the Planning Commission.

**Acceptance of Dean Lobaugh's Resignation from the Township Planning Commission** - Lady made a motion to accept Dean Lobaugh's resignation effective February 19, 2014. Shupe seconded the motion. The motion carried unanimously.

**Appointment to Township Planning Commission** - Shupe made a motion to appoint Jack Kump to the Planning Commission and Lady seconded the motion. The motion carried unanimously. This appointment is effective immediately. There is some upcoming planning commission training in Reading and Harrisburg and Raub would support the training of any members attending, including business mileage.

**Adoption of Resolution No. 2014-01 – Adams County Emergency Operations Plan** - Lady made a motion to accept Resolution No. 2014-01 regarding the Adams County Emergency Operations Plan. Shupe seconded the motion. The motion carried unanimously.

**PNC Bank Signatory Resolution** - The Board signed the necessary resolution forms in order to revise the PNC Bank signature authority.

**Improved Township Employees/Official Relations** - Since January 8, 2014, Raub has asked that everyone be polite and extend courtesy to others; however, he has been informed that his request has not been followed. Therefore, Raub suggested objective services that are cost-effective and will be provided on an as needed basis. In that light, he has contacted LuAnn E. Augment who has an extensive background in Human Resources and has a Senior Professional in Human Resources Certification. Raub made a motion to accept her services and Lady seconded the motion. The motion carried unanimously.

## **OLD BUSINESS**

**PENNVEST Payment Processing** - The PENNVEST Funding Agreement requires that interim funding be established in case of a lapse in time before incurred expenses are paid by PENNVEST. Therefore, any pending Heidlersburg Waste Water Treatment Facility expenses will be paid out of the interim funding established through Susquehanna Bank.

Last week Raub attended a pre-construction meeting with the Township Engineer and the two contract awardees. The contractors were very receptive to the Township's requirements.

The Township now has a request from the PA Department of Environmental Protection (DEP) to hold a pre-construction meeting. Vranich commented it is mainly a PENNVEST meeting to make certain the paperwork is in order.

**Supervisor Compensation Letters** - The Township Solicitor prepared the letters to the recipients requesting they resolve these issues prior to the start of the Township's 2013 Audit. Shupe made a motion that Chairman Raub signs the letters and they are sent first-class mail. Lady seconded the motion. The motion carried unanimously.

**Motorturbo Radio Project** - The cost of the radio project that was accepted last year and provided for in the 2014 Budget is now higher. If Franklin Township decides they want to be included, the Township will be reimbursed \$1,500. One radio will be received from the County if and when the County receives the radios. The Upper Adams School District is going through with this project. The Township will be able to patch through to the County. Trevor Rentzel of Motorola Solutions Inc. is also in contact with the fire companies to connect. Raub said he would support this radio project with a couple of conditions:

1. If the Township can be patched through to the County; and
2. He doesn't want to pay the money today and be unable to use it for another six months.

The Board requested that Lady contact Rentzel to ask additional questions prior to proceeding.

**Multi-System Operator (COMCAST) Agreement** - Raub stated that he has been encouraging the Board for a while to become familiar with this system. According to Natausha Horton of The Cohen Law Group, the agreement is not the best she can do for us yet. Horton plans to greatly reduce the number of homes per mile which should result in some locales being served that currently are not. In Raub's opinion, the Board should take a look at the amount of money the Township collects. Raub asked if there any concerns or improvements that the Board wants him to communicate to Horton. He sees some advantages to improving the "take rate" by lowering the franchise fee percentage, which could result in greater gross revenues for the Township. Every time COMCAST invoices the franchise, the more money that is coming out of subscribers' households. In the future, following the decisions of two lawsuits making their way through the legal system, Raub may change his recommendations if the Township is able to require the Multi-System Operator to pay for use of rights-of-way. This topic was tabled for a future meeting.

**2014 Road Crew Pay** - Lady made a motion that effective Sunday, March 2, 2014, the Road Crew employees' pay will be as follows:

- Regular pay be increased to \$14/hour (6 AM to 6 PM)
- Call-out pay be set at \$15/hour (6 PM to 6 AM)
- Saturdays: time and one-half
- Sundays and Holidays: double time
- Time will be recorded in 15-minute increments.

Shupe seconded the motion. The motion carried unanimously.

**EnergyWorks' Status Report on Gettysburg Plant** - There was no representative from EnergyWorks present to give a status report.

**Erik Vranich – Pending Issues:**

- **Rock Valley Road Project** - All survey work and mapping have been completed and a rough road plan has been established. Also, the right-of-ways (ROWs) have been completed with the majority of the road being 50' ROWs. Vranich suggested scheduling a meeting with the Board to discuss the placement of the culverts. It was decided that the meeting would be scheduled next week prior to the pre-construction meeting with DEP.
- **Township-wide Act 537 Plan** - Vranich is fairly certain that at some point in the very near future, DEP will be inquiring about the status of the Township-wide Act 537 Plan. The previous Board agreed to comply with the Township-wide Plan by February 14, 2014. Vranich suggested acquiring mapping information from the County and instructing Fred Heerbrandt to schedule a meeting with DEP to determine what is specifically required in the Plan. The Township's cost for the Plan will be approximately \$65,000-\$70,000. Also, an Adams County Conservation District permit must be completed. The mandatory pumping ordinance requirement is that septic tanks must be pumped every three (3) years. Vranich estimated a couple of months to write and complete the testing for the Township-wide Plan. Raub suggested informing the residents who attend the May 7 Community Meeting to seriously consider having a professional inspect their on-site septic system. Vranich will compile some information on how long it will take to complete and prepare some booklet pointers on the two testing options.
- **Objective of March 14, 2014 for Determination of 2014 Road Projects and Release of Bids** - Lady suggested the Board definitely proceed with the Rock Valley Road Project. However, in his opinion, decisions on, any other road projects should be delayed until after the ground thaws.
- **May 7, 2014 Community Meeting** - Vranich suggested that along with himself and Hill, Fred Heerbrandt also attend.

**MEETINGS REPORTS**

NONE

**UNRESOLVED ISSUES**

NONE

**PUBLIC PARTICIPATION**

- Slothour suggested moving the location of the Cellco Partnership Conditional Use Hearing to another location due to inadequate seating capacity. Lady will reserve the Heidlersburg Fire Hall for the hearing.

## **MEETINGS**

March 6, 2014 at 7 PM, Rutter's Conditional Use Hearing, Township Municipal Building

March 13, 14, 17 & 18, 2014, Township 2013 Audit Being Conducted by SF & Company, Township Municipal Building

March 19, 2014 at 7:30 PM, Township Planning Commission, Township Municipal Building

April 3, 2014 at 7 PM, Cellco Partnership d/b/a Verizon Wireless Conditional Use Hearing (260 Rupp Road), Township Municipal Building

## **SUBDIVISIONS**

**Adams Electric's Stormwater Maintenance Agreement** - Since the stormwater maintenance agreement received from Adams Electric does not comport with the agreement that Adams Electric made with the Planning Commission and the Board of Supervisors, Raub's recommendation is to instruct the Township Solicitor to inform Attorney Teeter the Board will not sign and their agreement borders on bad faith. The fifth recital that was added by Attorney Teeter has nothing to do with the Planning Commission's or the Board of Supervisors' review and recommendation. Raub further recommended that the Board make one last attempt requesting the fifth recital be deleted or there will be a stop order issued. Shupe made a motion to reject the Adams Electric Stormwater Maintenance Agreement. Lady seconded the motion. The motion carried unanimously.

At 11:20 PM, Lady made a motion to adjourn and Shupe seconded the motion. The motion carried unanimously.