

**January 22, 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 December Bank Statements**

The Tyrone Township Board of Supervisors' recently-scheduled 2014 meeting was called to order at 7:06 PM by Chairman Raub. Present were: Chairman Russell Raub; Vice-Chairman David K. Shupe; James D. Lady, Supervisor; Donna Dixon, Secretary-Treasurer; Timothy Shultis, Shultis Law, LLC, Township Solicitor; Wilbur Slothour, Township UCC Building Enforcement Officer and Zoning Officer; David Richwine and Bob Staub, Planning Commission; Rosalie Dashoff and Beth Klinger, Township Citizens Committee; Galen Smith and Emma Seibert, Township Residents; and Shawn Melhorn, Bendersville Fire Department.

Pursuant to the Board of Supervisors' meeting at 7 PM, the Board met in executive session from 6 to 7 PM pertaining to lawful prevalence under Section 708(a)(5) of the Sunshine Act.

**Public Participation**

- Dashoff thanked Roadmaster Lady and his crew for a really great job in clearing the Township roads of snow and ice. Raub echoed his compliments and a heart-felt thanks to Lady and a difference over the past two snow storms has been noticed. Raub encouraged Lady to continue doing a good job.

Lady made a motion to approve the January 6, 2014 and concluding January 8, 2014 Reorganization Meeting minutes. Shupe seconded the motion. The motion carried unanimously.

Shupe made a motion to approve the January 8, 2014 Board of Supervisors Meeting minutes and Lady seconded the motion. The motion carried unanimously.

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

The Board reviewed and approved the December 2013 Bank Statements received.

Lady announced that he was withdrawing his name as the Assistant Bond Treasurer to the Township Secretary-Treasurer and nominated Shupe to support the Secretary-Treasurer. The Township will proceed in securing a bond in Shupe's name in the amount equal to the Secretary-Treasurer's bond. Raub seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**Shawn Melhorn, Bendersville Community Fire Company Annual Report** - Melhorn presented the Board of Supervisors with the Fire Company's Annual Report for 2013-2014. In 2013, there were:

- seven (7) fire calls,
- four (4) medical assists,
- eleven (11) first due incidents with a \$350,000 fire loss;

- three (3) carbon monoxide alarms,
- two (2) auto accidents
- one (1) house fire; and
- one (1) automatic fire alarm; and
- 13 incidents responded to in Tyrone Township.

The Fire Company responded to a total of 172 fire and/or emergency service calls within 17 different municipalities at fire loss of \$835,000 in the First Due Area.

Melhorn thanked the Board of Supervisors for their support in 2013 and asked for the Board's support in 2014.

**Wilbur Slothour - Status of Enforcement Actions:**

- **Monteleone Property, 1286 Bull Valley Road** - Mr. Monteleone and the tenants invited Slothour to the location due to high risk of life safety. The tenants' main complaint was regarding water and electrical issues. In addition, Slothour's concern was people living in bedrooms that did not have any escape access. As of Monday, January 20, 2014, the property has been vacated. The owner of the property, Giuseppe Monteleone, informed Slothour he probably will sell the property. Until the property meets inspection standards and an occupancy permit is issued, the vacancy signs will remain posted.
- **Emig Property, 811 East Berlin Road** - The agent of the owner did not permit nor invite Slothour to go onto the property. An addition was built on to the property without permits and there is a sewage issue. Solicitor Shultis sent a letter to the agent who never responded. Slothour sent notice to vacate the property giving the occupants 30 days; and after 30 days, it is Slothour's responsibility to post the property. Another 30 days will be added because Slothour did not wish to post the property before the occupants have had a chance to vacate. As far as the children are concerned, Slothour believes the Adams County Office of Children and Youth Services has taken another approach in handling the problem. Slothour will post after 30 days which will be February 9, 2014 and the second 30 days will be March 10, 2014 for the completion of the occupants to vacate before the Township can seek legal ramifications against the property.
- **Stapleton/Garcia Properties, 5008 Old Harrisburg Road** - Slothour received a complaint concerning encroachment across the property line, oil running down the stream in back of the building and flammable liquids being stored in inappropriate containers. Slothour requested that the Garcias move the cars away from Old Harrisburg Road. Also, there is an alley that the Garcias are parking cars on next to the complainant. Garcia should remove the cars from the alley in order that there is a buffer between the Garcias and the neighbor's property – one-half of the alley is owned by each neighbor. The cars in back of the garage are stored there which is an additional nuisance issue. Stapleton's concern is when pulling out of his driveway, he cannot see north on Old Harrisburg Road due to the cars sitting too close to the highway in PENNDOT's right-of-way. Raub asked if the matter could be resolved by the Adams County Mediation Services. Raub will forward copies of their contact information to Slothour to give to the two residents.
- **Update on the Myers Property, 2788 Heidlersburg Road, Junked Cars** - Slothour will be filing a citation with the Magistrate on Church Road. Myers is moving the cars around but is not getting rid of them. Slothour has attempted to contact Myers stopping in at the property and no one is ever there. Slothour does not know the status of the citation. Shultis mentioned that if Myers would pay the fine and then never clean it up, a per diem fine should be issued in order to make Myers clean it up.

**Status of Trash Pick-up** - A request for adequate assurance letter was sent to the Manager of Advanced Disposal including several demands and requested a response in writing which the Township received this afternoon. They tried to answer all of our questions. The question now is how long they are going to be able to comply with the contract. The possibilities are to give them more time and watch their performance; or pull the trigger and exercise our option to withdraw the contract.

Raub said that the Board will need to continually watch their actions; and if they do not comply, the Township will have to take action. Some people have received their bills which are due January 30, 2014. Raub suggested the Township residents contact Advanced Disposal's Customer Service Department and request an adjustment for those who did not receive pick up for some of the weeks beginning in January. Advanced Disposal placed an insert in The Gettysburg Times last week apologizing for the problems.

**2013 Audit** - After some discussion, it was clarified that the ad soliciting an independent accounting firm to conduct the 2013 Audit was advertised in The Gettysburg Times on November 16, 2013. Since it was advertised, the elected auditors are not to perform the audit. The Township will notify Hamilton & Musser, PC, that they will be performing the audit and also notify the elected auditors in writing they will not be doing the audit.

Raub made a motion to send a letter from the Board of Supervisors to the entity that will be conducting the 2013 Audit notifying the auditors that a potential issue may exist regarding some supervisory compensation for 2013. Shupe seconded the motion. The motion carried unanimously. Smith asked Raub to explain the motion. Raub replied he is not in a position to explain it but read the motion again.

Shupe made a motion to solicit the assistance of a "special counsel" to deal with the issue of supervisor compensation. Raub seconded the motion. The motion carried unanimously.

**Township Facebook Page** - Shupe said that considering the input that was received from Craig Loewen, he made a motion that the Board delete the Township's Facebook Page and Fan Page. Lady seconded the motion. The motion carried unanimously.

## **OLD BUSINESS**

**Additional Appointments to Township Citizens Committee** - Shupe made a motion to accept Kim Todd and Catriona Todd as members of the Township Citizens Committee; and the Board will accept letters of interest volunteers keeping their names on file for one year. Lady seconded the motion. The motion carried unanimously.

**Planning Commission Reorganization Meeting and Meeting Dates** - There was an attempt for the Township Planning Commission to reorganize and a quorum was not met, therefore they did not reorganize. The Board sought the advice of Solicitor Shultis. The Board would like a commitment from the Planning Commission members that they will have a quorum for their next scheduled meeting to be held on Wednesday, February 19. Lady made a motion that the Board advertise the Planning Commission's Reorganization Meeting to be held Wednesday, February 19, 2014. He immediately afterward rescinded his motion and made a new motion to advertise the reorganization of the Planning Commission and that the following 2014 meetings will be held the third Wednesday of the month at 7:30 PM at the Township Municipal Building. Shupe seconded the motion. The motion carried unanimously.

**Draft of January 2014 Township Newsletter** - Lady made a motion to approve the first quarter 2014 Township newsletter. Raub seconded the motion. The motion carried unanimously.

**Multi-System Operator (COMCAST) Agreement** - The previous Board of Supervisors joined with some municipalities to contract with The Cohen Law Group to negotiate a franchise renewal agreement with COMCAST. Natausha Horton of The Cohen Law Group has provided the Township with the first proposed agreement and Raub gave the following impressions:

1. Her efforts will help regarding the density requirement so that COMCAST may be required to extend its network in some areas. The density requirement is now thirty-five (35) houses per mile. Horton thinks she will be able to get this requirement reduced to ten (10) miles;
2. Contract is to include additional services that COMCAST provides to which the franchise fee would apply. The fee is presently 2.745% and the fee would be distributed more often on a quarterly basis, not annually. Horton suggested that we might want to take a look at the rate in this agreement. If the rate remains constant, the Board may want to consider lowering the rate. Until she receives notice from us, nothing will change. She has submitted the draft agreement to the Township and has issued a letter of representation to COMCAST.

**Increasing Annual Mobile Home Park Fees** - Raub suggested that the Board table this matter until there is additional information.

**Explanation of Treasurer's Bond** - In an effort to correct that which was offered to the Board during the Reorganization Meeting, according to Selective Insurance, who issues the two \$500,000 bonds for Donna Dixon and Jim Lady, and confirmed by Kathy Johnson at Hockley & O'Donnell Insurance agency:

- Tyrone Township is listed as the obligee on the bonds and the insured on all insurance policies,
- If the bonded individuals unlawfully access funds, Tyrone Township will be reimbursed 100% up to the \$500,000 bond limit and the amount of loss,
- The Township has a \$500,000 Crime insurance policy in coverage for computer fraud,
- The Township has a \$50,000 employee dishonesty coverage of theft of monies, securities and property, inside or outside of the Municipal Building, with a \$250 deductible,
- Contrary to that which was offered to the Board, the Township has NO bond or crime insurance policy that only provides temporary funds,
- In the event of a loss and a claim, the Township will receive the full amount of missing monies, securities and property permanently, up to and including the amount of loss and not to exceed the amount of the bond or crime insurance policy. There is no limited temporary coverage to provide for ongoing Township operations.

In conclusion, Raub hoped this explanation sets aside all concerns and misconceptions as a result of the unsolicited information which was offered during the Reorganization Meeting.

**EnergyWorks' Status Report on Gettysburg Plant** - There was no one present representing EnergyWorks; however, Lady mentioned that EnergyWorks is running very slowly.

## **MEETINGS REPORTS**

- Shupe attended the Adams County Tax Collection Committee (ACTCC) meeting on January 8, 2014. The new officers were introduced to those attending. Ron Harris took over the meeting as Chairman. The meeting mainly dealt with the election of officers and David Wheeler was thanked and presented with a plaque for his past service.

## **UNRESOLVED ISSUES**

NONE

## **PUBLIC PARTICIPATION**

- Slothour asked who's responsible in reference to the second sewer laterals for the connection to the pumping stations. Who is Land & Sea supposed to ask for a decision and are they going to solicit a list of installers to inspect the property owners' installation hook up. Raub suggested that the Township Engineer be consulted regarding this matter.
- Dashoff asked the status of the PENNVEST loan and will it be a total drawdown? She was informed that the PENNVEST loan is to be approved on January 29, 2014 and the Township will not be receiving all of the approved money at one time.
- Dashoff asked if EnergyWorks is not processing at the plant, where is the chicken manure going? Lady replied it is presently being stored at Site #5, and as possible, some manure is going out of the Chesapeake Water Basin. When there is snow on the ground, it is not spread.

## **MEETINGS**

January 23, 2014 at 8:30 AM, Adams County COG, EMS Center

January 24, 2014 at 8:30 AM, Civic Research Alliance, Township Municipal Building

January 27, 2014 at 9 AM, Auditors' Meeting, Township Municipal Building

January 27, 2014 at 6:30 PM, York Adams Tax Bureau Board of Directors, 1405 North Duke Street, York

January 30, 2014 at 7 PM, Big Hill Winery & Ciderworks, LLC Conditional Use Hearing, Township Municipal Building

## **SUBDIVISIONS**

NONE

At 9:45 PM, Shupe made a motion to adjourn and Lady seconded the motion. The motion carried unanimously.