

## WAYNE TOWNSHIP MEETING MAY 21, 2018

The Wayne Township Board of Supervisors held a meeting on May 21, 2018 at 7:00 p.m. at the Wayne Township Municipal Building, with David W. Calhoun, James B. Maguire and Brad Rote present.

Those also in attendance: Robin Condo, Russ Johnson, Bob Johnson, Donna Wilson, Shanna & Kindsie Berry, Jordan Hockenberry, Carolyn Hanna, Bill and Carol Goodman, Mary Prince, Steve Leitch of the Wayne Township Vol. Fire Company, John Noltee, Rod Stabley, Marci Orndorf of the Wayne Township Landfill, Matt Maguire, Robb Ohl, P.E., Randy and Penny McCloskey, Peg Johnson, Zoning Officer Paula Kibler and Paul D. Welch, Jr., Esquire

### **Public Participation**

#### **John Noltee – Safety Issues on McElhattan Drive**

Resident John Noltee expressed concern about safety issues near the rail road tracks on McElhattan Drive noting that the Planning Commission previously sent a letter to the Supervisors requesting that the Supervisors consider installing "Children at Play" signs along McElhattan Drive near the railroad tracks and asked if the Board had pursued getting signs.

Chairman Maguire stated he contacted PennDOT to get approval for the signs and also spoke with someone at Norfolk Southern and has not yet received a response from PennDot or Norfolk Southern.

#### **Donna Wilson – Barking Dog**

Donna Wilson complained about her neighbor's dog barking continuously in the middle of the night and requested the Township consider adopting an ordinance pertaining to barking dogs because when she contacted the police about the matter they indicated without an ordinance there is nothing they can do.

Chairman Maguire stated that barking dogs within the township has been an ongoing problem for several years and in prior years former Township Zoning Officer Dan Eckley had spent time investigating a dog barking complaint to no avail. He asked Attorney Welch if other municipalities have ordinances dealing with this problem.

Solicitor Welch explained that there are ordinances out there that deal with barking dogs, however, enforcement can be a problem.

According to Welch, Wayne Township has an ordinance in place and proceeded to read a portion of the nuisance ordinance which indicates that the animal must continuously and/or incessantly make noise for 10 minutes or intermittently for one half hour or more causing a disturbance during the day or night which would be considered a nuisance; however, prior to proceeding formally, the owner must be given notice and the other problem has been enforceability. This is not an ordinance for police to enforce, residents need to pursue civil enforcement proceedings where the owner of the dog could be fined up to \$600 and be required to pay reasonable attorney fees, adding that it would be difficult to prevail if it is neighbor against neighbor because in that case it is a "he said/she said" issue and it would be helpful if there are additional individuals to confirm the dog has been barking.

#### **Shoemaker Road**

Resident Peg Johnson requested the Township fill in the potholes in the cross-cuts on Shoemaker Road.

Chairman Maguire indicated that paving is expected to begin this week on Shoemaker Road but he will request that the contractor fill in the potholes with sub base in the meantime.

Robin Condo asked if there were any additional changes made to the road project.

Supervisor Maguire stated that as of last Thursday it was necessary to put #4's and geotextile in place in various areas of the road which were an addition to the contract but the materials were listed in the contract as to what needed to be done if this specific problem came up during the project. The materials will be installed in five locations from Pine Mountain Road up Shoemaker Road and more may be needed in other areas of the road but that will not be known until the contractor has completed milling the road.

Supervisor Rote noted that there was a change made at Gary Wolfe's driveway, stating that the contractor is replacing an existing drain and a drain is being put in Esther Simcox's driveway. There was a tie in to the drain at the Bill Wolfe property and inlets were changed near Johnson Lane, stating there have been a lot of little changes made as the project has moved along.

An additional discussion was held where an issue at the entrance to the Rishell property at 494 Shoemaker Road was brought to the Supervisor's attention as well as damage to their mailbox. Randy McCloskey also told the Supervisors there was a problem with a culvert at the corner of his property in that the ditch is caving in and he believes there should be concrete walls or gabion baskets installed in order to firm up the walls of the ditch.

Supervisor Maguire indicated he would address the issues raised by residents during the meeting with Charles Construction.

#### **Steve Leitch – Host Fee Report**

Steve Leitch of the Fire Company stated that during the April meeting the Supervisors agreed to provide statements to the Fire Company for the Host Fee payments and asked when the Fire Company would receive a statement.

It was noted that a copy of the Host Fee Report for the first quarter of 2018 would be provided to Mr. Leitch immediately following the meeting.

#### **Approval of Meeting Minutes**

Chairman Maguire asked if there were any questions or comments on the minutes of the April 26, 2018 meeting, there being none, Supervisor Calhoun made a motion to approve the minutes as presented; seconded by Supervisor Rote, the motion passed with Supervisors Calhoun and Rote voting in favor of the motion and Supervisor Maguire abstaining.

#### **Approval of Treasurer's Report**

Supervisor Rote made a motion to approve the Treasurer's Report as submitted; seconded by Supervisor Calhoun, MCU.

#### **Police Report**

Chief Winkleman was not in attendance.

#### **Zoning Officer's Report**

Zoning Officer Paula Kibler reported that she issued one permit for a 10' x 12' shed to Sam Fritz.

#### **Monthly Engineer's Report**

John Segursky, P.E. was not present for the meeting but submitted his monthly report to the Supervisors via email which indicated that he is currently working with PennDOT to complete environmental review documents required for the Multimodal Grant for the Shoemaker Road Project. It was noted he has had several discussions with PennDOT about satisfying the Historical and Archeological aspects of the environmental review and John has also requested plans from Mid-Penn Engineering and once they are received he will be able to complete the submission.

## **Recreation Committee Report**

There was no one from the Recreation Committee in attendance.

### **Old Business:**

#### **Shoemaker Road Project**

The Supervisors reiterated that they will be working to resolve the issues raised by residents regarding the Shoemaker Road Project.

#### **Zoning Ordinance Amendment to allow for the sale of Alcoholic Beverages**

Chairman Maguire reported that the Sale of Alcoholic Beverages within the Township was approved at the May Primary Election and asked Solicitor Welch to explain how the Board must proceed.

Solicitor Welch indicated that as directed by the Board during the April meeting he has prepared an ordinance to amend the zoning ordinance for the Supervisors to review that would allow the sale of alcoholic beverages in the Highway Interchange (HI) Zoning District as a conditional use, adding that without the ordinance someone could sell alcoholic beverages anywhere in the Township and because there was an ordinance pending when this was approved Wayne Township has legal standing per the ordinance doctrine to regulate where alcoholic beverages may be sold.

The Supervisors must schedule a public hearing and prior to scheduling the hearing must allow the County and Planning Commission 30 days to review and provide comment on the proposed ordinance. After the public hearing is held, the Supervisors may consider adoption of the ordinance at a special meeting or during a regular monthly meeting.

Attorney Welch noted that the Pennsylvania Liquor Control Board (PLCB) must allow 30 days from the date the vote is certified by the County before it will accept an application for a liquor license transfer from within the County and it must go through their approval process.

The Board of Supervisors directed Solicitor Welch to proceed with forwarding the ordinance to both the County and Township Planning Commission and to schedule the public hearing for July 16<sup>th</sup> at 6:30 pm prior to the regular monthly meeting to be held at 7:00 pm.

#### **Ball Field Project**

Supervisor Calhoun reported that the concrete pads have been poured for the dug outs and one of the handicapped parking spaces and one sidewalk has been poured. The bleachers are being put together and now that the weather has improved, more excavating is to be done, topsoil will be added and then it will be seeded, noting that the infield has already been seeded. The fencing may be delayed due to health issues of the individual hired to install the fence and there is a possibility that FMP may end up installing it later this month.

#### **Estimates for South Road Pipe Replacement Project**

Robin Condo questioned why the "bids" for South Road were opened prior to the April 26<sup>th</sup> meeting rather than being opened during the meeting.

Chairman Maguire explained that telephonic quotes were received for the repairs to South Road which were followed up with written documents.

The project was not required to be placed out for bid as the bidding requirements state that telephonic quotes may be obtained for projects costing between \$10,900 and \$20,100 and anything over \$20,100 would have to be bid out. It was noted during the April meeting that Charles Construction had provided the lowest quote in the amount of \$17,750.

### **New Business:**

#### **Robb Ohl, R.S. – Angela Karwowski Subdivision**

Robb Ohl, R.S. presented a subdivision on behalf of Angela Karwowski who is conveying property for a side lot addition to Jay Delaney along Stabley Road, the addition to the Delaney property is 56,0000 of an acre.

The subdivision was reviewed and approved by both the Clinton County and Wayne Township Planning Commission.

Supervisor Calhoun made a motion to approve the subdivision as presented; seconded by Supervisor Rote, MCU.

#### **Charles Construction Pay Application No. 6 – Shoemaker Road Project**

Supervisor Calhoun made a motion to approve Pay Application No. 6 submitted by Charles Construction for the Shoemaker Road Project in the amount of \$132,784.88; seconded by Supervisor Rote, MCU.

#### **Bechdel Plumbing – No Cost Extension**

The Supervisors received a written request from Bechdel Plumbing for a no-cost extension for completion of the plumbing portion of the contract for the restrooms at the Ball Field Project.

Supervisor Maguire noted that there is a hold up completing the block work because the corner blocks which are a special order have not yet been received.

Supervisor Calhoun made a motion to approve the request from Bechdel Plumbing for a no-cost extension of the contract; seconded by Supervisor Rote, MCU.

#### **Landfill Advisory Committee**

Chairman Maguire presented a letter the Township received from Jay Alexander, General Manager of the Wayne Township Landfill, requesting that John Noltee be removed from the Host Community Advisory Committee. According to the letter, Mr. Noltee has filed an appeal to the reissuance for the NPDES permit to the Clinton County Solid Waste Authority by DEP which constitute s a conflict of interest.

John Noltee stated that none of his issues with the Landfill have been discussed during the Landfill Advisory Committee meetings and he has not done anything wrong and the Supervisors appointed him and they can remove him if they want.

Robin Condo, who is also a member of the Landfill Advisory Committee, agreed with John and said she did not believe he should be removed from the Committee.

Supervisor Calhoun said it was his feeling that the Landfill is a business within the community and they should not dictate who the Supervisors appoint to represent it, stating that he agreed with Robin Condo in that John Noltee should not be removed from the Committee.

A discussion was held regarding whether Mr. Noltee was in litigation with the Landfill and Township Solicitor Paul Welch explained that the Rules of Civil Procedure apply to this proceeding and it is his understanding that depositions will be scheduled; there will be interrogatories as well as a request for production of documents. Everything that there would be in a civil proceeding in a court of law apply and the only difference is the hearing will be before an Administrative Judge as opposed to a Municipal Judge, stating on one side you have the Noltees' claiming the Authority has done something wrong causing issues with their property and the other side is the Authority refuting those claims.

Supervisor Rote questioned Mr. Noltee being on the Advisory Committee as to how he would be able to advise the Landfill on matters if he is in conflict with them.

Mr. Noltee responded that he never discussed the issues he has with the Landfill at the Committee meetings, and he has only discussed information provided by residents of the township.

Supervisor Maguire recognized John Noltee's service to the Township and requested that Mr. Noltee resign from the Host Community Advisory Committee.

Robin Condo argued in defense of maintaining John Noltee on the Committee claiming that Supervisor Maguire and Secretary Darlene Macklem had previously had conflicts with the Township and both were still in their positions.

Solicitor Welch corrected Mrs. Condo stating that Secretary Darlene Macklem did not have a conflict with the Township and the matter she was referring to was a private matter between property owners.

Robin referred to the trespass matter where Supervisor Jim Maguire had former Township Supervisor Kathy Dershem and Zoning Officer Mary Myers arrested for trespassing which created a conflict for Supervisor Maguire. She stated that John Noltee is a resident on an advisory board where he advises based on information residents provide to him and he has never discussed personal issues he has with the Landfill during the meetings.

Chairman Maguire asked for a motion on the matter and again recognized John Noltee for his service to the township.

A discussion was held with Supervisor Rote made a motion to remove John Noltee from the Landfill Advisory Committee; seconded by Supervisor Maguire, the motion passed 2-1, with Supervisors Maguire and Rote voting in favor of the motion and Supervisor Calhoun voting against the motion.

### **Employee Time Sheets**

Chairman Maguire asked the Board if they were in agreement that the new time sheet be adopted where all individual employees sign their own time sheets and the Supervisors would no longer sign employees time sheets verifying the time and the work done, noting that employees have been using the new time sheets for the last month.

Supervisor Rote made a motion to approve use of the new time sheet.

Supervisor Maguire asked for questions on the motion.

Robin Condo stated she did not agree that this is how the Township Supervisors should handle time sheets and that the Supervisors are slacking their responsibility by not looking at time sheets.

Supervisor Maguire explained that if an employee worked today and asked him to sign the time sheet he would have no idea what work was done and he would essentially be guaranteeing that the work had been done. He said he is not willing to do that stating that if he turned in a time sheet he would have signed it verifying that the work had been done, adding that the Supervisors may review the time sheets and even though each individual will sign their own time sheet, that does not mean the Supervisors will not review them but it means he is not signing to guarantee that the work has been done.

A discussion was held Welch all the Supervisors are trying to do is have employees take responsibility for what they place on their time sheet and that they are being truthful and honest.

The motion was then seconded by Supervisor Maguire and was passed by a 2-1 vote with Supervisors Maguire and Rote voting in favor of the motion and Supervisor Calhoun voting against the motion.

## Invoices

Supervisor Calhoun made a motion to approve the invoices as submitted; seconded by Supervisor Rote, MCU.

## Adjournment

There being no further business, Supervisor Rote made a motion to adjourn the meeting; seconded by Supervisor Calhoun, MCU, and the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

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Darlene S. Macklem  
Secretary/Treasurer

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James B. Maguire, Chairman

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David W. Calhoun

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Brad L. Rote

Supervisors

## Financial Business – May 21, 2018:

### General Fund Accounts:

First National Bank Checking	\$17,468.72	.07%
First National Bank – MM Acct.	\$36,296.75	.45%
FNB – Linnwood Drive Project	\$12,171.94	.00%
Jersey Shore State Bank MM	\$ 32,719.46	.35%
Jersey Shore State Bank CD	\$60,000.00	1.35%
PLGIT – Checking	\$196,999.82	.09%
PLGIT PLUS	\$ 6,551.03	.15%
PLGIT – Sewer Fund	\$254,639.68	.09%
Woodlands Checking Account	\$157,265.92	
Woodlands Certificate of Deposit	\$138,000.00	2%
Woodlands Bank – Act 13 Funds	\$46,747.71	.25%

### State Fund Account:

PLGIT Checking	\$244,202.90	.03%
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