

WAYNE TOWNSHIP MEETING
MARCH 19, 2018

The Wayne Township Board of Supervisors held a meeting on March 19, 2018 at 7:00 p.m. at the Wayne Township Municipal Building, with James B. Maguire, David W. Calhoun and Brad Rote present.

Those also in attendance: Robin and Terry Condo, Russ Johnson, Mae Johnson, Steve Simcox, Carl Bathurst, Linda Calhoun, Rob Ohl, P.E., Frank Peter, Peggy Fanning, Gary Myers, Jason Smith, Steve Leitch of the Wayne Township Vol. Fire Company, John Noltee, Rod Stabley, Don White, Karis Kellander, Marci Orndorf of the Wayne Township Landfill, Carolyn Hanna, Bob Maguire, Matt Maguire, Lori and Rod Shemory, Zoning Officer Paula Kibler, Zoning Enforcement Officer Terry Crawford, Pine Creek Township Police Chief Dave Winkleman and Paul D. Welch, Jr., Esquire

Public Participation:

Linda Calhoun

Resident Linda Calhoun requested that the cell phone numbers for the Township Officials and employees be posted at the township building.

Chairman Maguire indicated the cell phone numbers would be posted at the Township building.

Ms. Calhoun also stated she was unable to attend the February township meeting and asked why Matt Maguire's statements made during the Special Meeting held January 22, 2018, were not included in those meeting minutes which were approved at the February meeting. She said she and Robin Condo were quoted in the meeting minutes but the statement made by Matt Maguire, specifically, that Zoning Officer Rod Shemory was left go because he "picked" on one family was not included in the minutes and said it should be also noted in those meeting minutes that Supervisor Maguire agreed with Matt Maguire's statement.

Matt Maguire disagreed with Ms. Calhoun as to what he said during the Special Meeting.

Chairman Maguire said Ms. Calhoun's statements would be noted in the March meeting minutes.

Bob Maguire

Bob Maguire reported that as in past years, he, along with members of his family, have hired a group of individuals to clean up along the Pine Mountain Road and all the State roads from Pine Creek Township to Interstate 80, adding the Wayne Township section is done and they are working on the section of road from Lock Haven to Mill Hall.

He also reported that the pet policy adopted by the owners of Chatham Village seems to be working well and only three residents of Chatham Village have not signed the pet agreement. The pet policy was implemented in an effort to alleviate the feral cat problem.

Mr. Maguire also spoke to the Township Supervisors about the need for senior citizen housing within the Township and offered the Fryer Tract along Shoemaker Road which is a ten acre lot, has sewer, water, natural gas, and is ideally suited and zoned for housing. Additionally, Mr. Maguire believes it will be difficult to find anyone in the private sector willing to do a subdivision considering the regulatory environment .

He said he would be willing to donate a portion of the land if the Township Supervisors would like to follow through with a housing project and noted that some municipalities have gotten CBG funds in order to be able to provide housing for senior citizens and the needy and indicated that if the Supervisors would like to engage in a housing project, he would be willing to meet with them to discuss it further.

Rod Shemory

Resident Rod Shemory said he is still able to hear the noise from First Quality (Nutek) at his home on Shoemaker Road and he has spoken with Bob Walters on several occasions about the issue and is now waiting for Mr. Walters to return his latest telephone call. He told the Supervisors that First Quality is aware of the problem and said that at one time the Supervisors were going to send a letter to First Quality about the noise problem which has been an issue for almost four years and asked the Supervisors to follow through with sending a letter to First Quality.

Supervisor Maguire said the Board of Supervisors are in agreement that this is a private matter and believes that Mr. Shemory should address the problem directly with First Quality.

A discussion was held regarding whether the issue would fall under the Township's nuisance ordinance.

Lori Shemory asked why now that there is a new Chairman of the Board of Supervisors there is a new interpretation as to the definition of a nuisance. She said First Quality is aware of the problem and is willing to work with the Township to resolve the problem.

Solicitor Welch explained that the problem is the definition of a nuisance in the Township's Ordinance relative to noise because it pertains to adjoining properties. He said he has spoken to Rod Shemory about this numerous times when he was Zoning Officer and the problem is the definition of a nuisance which is defined as "a recurring generation of sound that is not consistent with enjoyment of any adjoining lot". According to Solicitor Welch, unless the ordinance is changed, nothing can be done and that is why a notice of violation was never issued to First Quality, adding there is nothing the township can do unless an adjoining property owner complains about the noise.

Carl Bathurst asked if the Township would continue to work with him regarding the noise problem at his property since it adjoins First Quality's property.

Chairman Maguire stated he gave the written Decision for First Quality's Warehouse #10 property to Solicitor Welch to review and indicated the noise problem at his property is a totally different situation than the Shemorys' problem, one of the reasons being that the Bathurst property adjoins the First Quality property.

Mr. Bathurst indicated that Ken Kremer of First Quality stopped by his home today to let him know that they are still working on resolving the noise problem.

Robin Condo

Robin Condo asked about the status of the zoning issues on the Wayne Bowmaster and Tom Hoover property.

Supervisor Maguire said those matters are still being reviewed.

Gary Myers

Gary Myers questioned whether the dip in Shoemaker Road in front of his home causing water to flow onto his property will be addressed as part of the Shoemaker Road Project.

Chairman Maguire said he believes the issue will be addressed by the storm water improvements being made along the road as part of the Shoemaker Road Project.

A discussion was held regarding possible causes for the water problem and Township Engineer John Segursky explained that when installing a water line clean stone is used for compaction around pipe

and one thing that should be done by contractors when using clean bedding is to periodically put a clay dam in to keep water from chasing through the bedding, but at some point you have to find a way to outlet the water.

Bob Maguire said that the problem may be resolved when the ditch line is installed between the Fryer Tract and the Myers property.

Russ Johnson expressed concern about the location of an inlet installed by his property in conjunction with the Shoemaker Road Project that is not lined up with his driveway.

A discussion was held regarding inspections being done on the Shoemaker Road Project by Mid-Penn Engineering and PennDOT Municipal Services Representatives Randy Albert and Daren Stover. It was noted the Supervisors would address issues as they arise with the contractor.

Steve Leitch – Wayne Township Fire Company

Steve Leitch questioned whether the Board has made a decision with regard to the letter he submitted on behalf of the Board of Directors of the Fire Company last month requesting that the Host Fee being held in the Township's General Fund for the benefit of the fire company be placed in a separate account which would be set up to require two signatures, one from the Fire Company and one from the Township.

Chairman Maguire indicated that the request is being reviewed by the Supervisors.

Approval of Meeting Minutes

Chairman Maguire asked if there were any questions or comments on the minutes of the February 19, 2018 meeting, there being none, Supervisor Calhoun made a motion to approve the minutes as presented; seconded by Supervisor Rote, MCU.

Approval of Treasurer's Report

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

Police Report:

Chief Winkleman provided a police report for the month of February, 2018, which included 129 incidents in the Township and officers worked 73.75 hours during the month.

Zoning Officer's Report:

Zoning Officer Paula Kibler reported the following permits were issued between October 17, 2017 and March 6, 2018:

Robert Nichols	28 ft. x 14 ft. utility shed
Melanie Villegas	32 ft. x 16 ft. deck
Yvonne Martin	32 ft. x 16 ft. utility shed
Tom Chitwood	12 ft. x 12 ft. pool shed

Zoning Officer Kibler also noted that she will be in the office March 20th from 6:00 to 8:00 pm and beginning in April she will be in the office every Tuesday evening through August.

Monthly Engineer's Report:

John Segursky, P.E. reported that the emergency permit to replace the culvert pipe on South Road has been obtained and the Township is also required to obtain a GP-7 permit from the County Conservation District as part of the emergency permit process and he presented the GP-7 Registration Form to the Supervisors for signature.

A discussion was held regarding whether South Road should be closed down completely while the culvert pipe is being replaced and allow First Quality to use Fritz Road until the repairs are completed. It was the consensus of the Board to coordinate the road closure with First Quality.

Recreation Committee Report:

Recreation Committee Member Don White reported that the annual Easter Egg Hunt has been scheduled for March 24, 2018 at 11:00 am at the Wayne Township Nature Park with a rain date being set for March 31st. Mr. White requested a \$200 donation from the Supervisors to purchase candy and prizes for the Easter Egg Hunt.

Mr. White also presented the resignation letters from three members of the Recreation Committee, Jeff Knarr, Sandy Knarr and George Knieser, noting the Knarrs are moving out of the township and George Knieser is resigning due to work obligations.

Supervisor Calhoun made a motion to accept the resignations of Jeff Knarr, Sandy Knarr and George Knieser from the Recreation Committee; seconded by Supervisor Rote, MCU.

Don White also submitted three new member requests for approval for Wendy Connelley, Jon Schall and Brian Styers.

Supervisor Rote made a motion to approve the appointment of Wendy Connelley, Jon Schall and Brian Styers; seconded by Supervisor Calhoun, MCU.

Don White also asked for direction from the Board of Supervisors as to the procedures he is to follow when purchasing electrical material from Denney Electric for the concession stand at the ball field.

Chairman Maguire said this matter was discussed when the Supervisors attended the Recreation Committee meeting and asked Attorney Welch for his opinion on the matter.

Solicitor Welch indicated that the Supervisors can authorize the Committee to make purchases as long as the cost is under \$10,900; items costing \$10,900 up to \$20,100 require telephonic quotes and items over \$20,100 must be placed out for bid. He said the Board can delegate the purchasing to the Recreation Committee but reminded the Board that it has a fiduciary obligation to the community to make sure the money is spent properly.

Chairman Maguire asked if Mr. White had an estimate as to what the electrical materials would cost for the concession stand.

Don White estimated the cost for the materials at \$500.

Solicitor Welch advised the Supervisors to make sure they receive receipts for all purchases which will be needed in the event of an audit.

Chairman Maguire made a motion to approve Recreation Committee Member Don White to purchase electrical materials for the concession stand spending up to \$1,000 and copies of all receipts are to be submitted to the Board of Supervisors; seconded by Supervisor Rote, MCU.

Old Business:

NIMS Training

Chairman Maguire said he obtained dates from Emergency Management Coordinator Rick Sheesley for NIMS Training on April 2, 4, 18 or 19 and is waiting to hear back from Mr. Sheesley with the final date for the training.

Linnippi Village Water Issues

Chairman Maguire reported water issues in Linnippi Village due to water running out of drainage ditches and running onto private property. He asked Solicitor Welch to research the records to determine if when the Township accepted the roads in Linnippi Village whether it also accepted storm water easements.

Solicitor Welch asked for clarification from the Board asking if he is to determine whether there is documentation to indicate that when the Township accepted the roads in Linnippi whether as part of that acceptance there are documents and language where the Township also accepted storm water easements.

Chairman Maguire confirmed Solicitor Welch's statement and said the question is whether the Township has the right to address the water run-off issue.

Safety Issue

Chairman Maguire said he is waiting to hear back from Curt Barner of PPL about the safety concern reported during the February meeting by Resident Rod Stabley with regard to the site distance at the intersection of Linnwood and McElhattan Drive.

Chairman Maguire also reported that there are eight or nine street lights that are not working on McElhattan Drive.

Code Enforcement Officer

Chairman Maguire introduced Terry Crawford as the Township's Code Enforcement Officer and questioned Solicitor Welch as to whether it was necessary for the Supervisors to adopt a resolution or ordinance to set up the position of Code Enforcement Officer.

Solicitor Welch said it was his understanding that there was a separation of duties of the Zoning Officer and if that was not the case then the Supervisors must take action to separate the two positions.

Secretary Macklem explained that during the February meeting the Board made two separate motions, one hiring Paula Kibler as the Zoning Officer and one hiring Terry Crawford as the Code Enforcement Officer.

Solicitor Welch said that he believes nothing else is required.

Resident Linda Calhoun questioned whether the Zoning Officer or Code Enforcement Officer would be handling the noise issue on their property.

Solicitor Welch explained that it would be handled by the Code Enforcement Officer and that Mr. Crawford will be enforcing all ordinances in the Township other than penal ordinances such as a stop sign violation or any type of summary offense, otherwise he has the ability to deal with all ordinances adopted by the Township that have a civil penalty.

Rod Stabley questioned why the position has been changed.

Chairman Maguire explained that previously Zoning Officer Shemory would contact and work with Solicitor Welch about zoning violations. By hiring a Code Enforcement Officer it adds an additional set of eyes and it is not costing the Township as much money.

Lori Shemory asked for the hourly rate the Township would be paying Terry Crawford as well the amount of the salary for Zoning Officer Paula Kibler.

Chairman Maguire said the hourly rate for Terry Crawford is \$15/hr. and monthly salary for the Zoning Officer has been set at \$250.

New Business:

Frank Peter Subdivision

The Supervisors reviewed the Frank Peter Subdivision for an add-on of a 0.0404 acre parcel from property owned by the Estate of Elsie Peter to be added to property of Frank and Charlene Peter, noting that the Supervisors received a letter of recommendation from the Planning Commission to approve the subdivision.

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

Charles Construction – Payment Application #4 and Pay Application #5 - Shoemaker Road Reconstruction Project

Supervisor Calhoun made a motion to approve Payment Application #4 in the amount of \$86,682.63 and Pay Application #5 in the amount of \$75,408.77 submitted by Charles Construction for the Shoemaker Road Project; seconded by Supervisor Rote, MCU.

Peggy Fanning - Substitute/Assistant Secretary

Supervisor Rote made a motion to approve hiring Peggy Fanning as Substitute/Assistant Secretary at the hourly rate of \$12.50 per hour; seconded by Supervisor Calhoun, MCU.

Donation Requests

Chairman Maguire said the Township received a donation request from Hope Enterprises and from The Foundation for Free Enterprise.

Supervisor Calhoun made a motion to donate \$200 to Hope Enterprises and \$575 to The Foundation For Free Enterprise; seconded by Supervisor Rote, MCU.

Sarcinello Planning & Associates Invoices

Chairman Maguire said the Township received an invoice from Sarcinello Planning & Associates for the Comprehensive Plan Update and Terry Condo, Chairman of the Planning Commission, has questions regarding the invoice and contract and has requested permission to discuss the invoice and contract with Sarcinello Planning & Associates.

Terry Condo said he would like to get Sarcinello Planning & Associates to perform the work as agreed to in the original contract and stated he would keep the Board of Supervisors informed on the matter.

Supervisor Rote made a motion to authorize Terry Condo to speak with Sarcinello Planning & Associates regarding the invoice and contract for the Comprehensive Plan Update; seconded by Supervisor Calhoun, MCU.

Chairman Maguire asked Terry to meet with the Supervisors and the Secretary/Treasurer during a work session after he has been in contact with Nanci Sarcinello of Sarcinello Planning & Associates.

Ordinance Regulating Outdoor Furnaces

Terry Condo, Chairman of the Planning Commission, said that last year the Planning Commission was asked to review the ordinance for outdoor furnaces and after reviewing the ordinance the Planning Commission submitted a recommendation to the Supervisors. He said the Planning Commission does not want to stop outdoor furnaces, but would like to make sure they are installed correctly and asked for direction from the Board of Supervisors, stating he is afraid issues may arise between neighbors if the issue is not addressed.

He said the Planning Commission is not recommending any additional regulations other than those outlined in the Municipal Planning Code.

Chairman Maguire agreed that the issue should be revisited and requested that Terry provide the Supervisors with the original recommendation of the Planning Commission at the next township meeting.

April Meeting

Chairman Maguire said the Board would like to reschedule the April Township meeting from April 16th to April 26th at 7:00 p.m. due to schedule conflicts with two of the Supervisors.

Supervisor Rote made a motion to reschedule the April meeting to April 26, 2018 at 7:00 pm; seconded by Supervisor Calhoun, MCU.

Invoices

Supervisor Rote questioned the invoices from Mid-Penn Engineering.

Chairman Maguire explained that the invoices included costs for Chriss Watts, P.E., of Mid-Penn Engineering to attend the McCloskey hearing and to inspect Shoemaker Road as well as a site visit with Charles Construction and the Township's PennDOT Municipal Services Representatives.

Resident Robin Condo asked why the Linnippi Association does not pay the PPL invoice for the entrance lights to Linnippi Village.

Chairman Maguire explained that when the Township took over ownership of the roads in Linnippi they also took over responsibility for the lights.

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

Adjournment

There being no further business, Supervisor Rote made a motion to adjourn the meeting; seconded by Supervisor Maguire, MCU, and the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Darlene S. Macklem, Secretary

James B. Maguire, Chairman

David W. Calhoun

Brad L. Rote

Supervisors

Financial Business – March 19, 2018:

General Fund Accounts:

First National Bank		
Checking	\$7,701.37	.07%
First National Bank – MM		
Acct.	\$36,242.22	.45%
FNB – Linnwood Drive		
Project		.00%
Jersey Shore State Bank	\$ 6,549.81	.35%
MM	\$ 29,230.48	1.35%
Jersey Shore State Bank	\$60,000.00	
CD		
PLGIT – Checking	\$230,071.17	.09%
PLGIT PLUS	\$ 6,551.03	.15%
PLGIT – Sewer Fund	\$254,074.35	.09%
Woodlands Checking	\$219,551.62	
Account		
Woodlands Certificate of		
Deposit	\$138,000.00	2%
Woodlands Bank – Act 13		
Funds	\$46,743.93	.25%

State Fund Account:

PLGIT Checking	\$243,659.41	.03%
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