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**WAYNE TOWNSHIP MEETING  
APRIL 26, 2018**

The Wayne Township Board of Supervisors held a meeting on April 26, 2018 at 7:00 p.m. at the Wayne Township Municipal Building, with David W. Calhoun and Brad Rote present.

Those also in attendance: Robin Condo, Russ Johnson, Steve Simcox, Carl Bathurst, Shanna Berry, Kindsie Berry, Bill and Carol Goodman, Mary Prince, Steve Leitch of the Wayne Township Vol. Fire Company, John Noltee, Rod Stabley, Doris Fritz, Don White, Marci Orndorf of the Wayne Township Landfill, Carolyn Hanna, Matt Maguire, Lori and Rod Shemory, Zoning Officer Paula Kibler, John Segursky, P.E. of Uni-Tec and Paul D. Welch, Jr., Esquire

Vice-Chair Dave Calhoun announced that the meeting will be recorded and that Supervisor Jim Maguire was not in attendance.

**Public Participation**

**Rod Shemory – Noise Ordinance**

Resident Rod Shemory said that the noise issue with First Quality's Nutek facility is on-going as the noise can be heard at his home on Shoemaker Road. He spoke with Bob Wahlers of First Quality and they plan to change some of the piping at the facility to see if that alleviates the problem.

He stated that at the March township meeting the current nuisance ordinance was discussed and the Planning Commission also discussed changing the ordinance during their April meeting based on Solicitor Welch's prior recommendation.

Mr. Shemory provided a letter written by Wayne Township Planning Commission Chair Terry Condo to the Board of Supervisors and also a copy of the letter from Solicitor Welch with regard to the nuisance ordinance written to him when he was the Wayne Township Zoning Officer.

At that point in the meeting Mr. Shemory informed the Board of Supervisors that he was recording the meeting currently taking place which was then announced by Solicitor Welch.

Mr. Shemory continued stating that according to the letter he received from Solicitor Welch dated April 22, 2016, the Township would need to amend Section 2 G of Ordinance 12.15.97, removing the words "adjoining lot" from the ordinance in order to deal with noise issues on non-adjoining properties, adding that the Planning Commission is in agreement that the ordinance needs to be changed especially since the zoning ordinances are currently being reviewed and updated.

Supervisor Calhoun stated that the ordinance would be reviewed by the Supervisors at their next Work Session.

**Steve Leitch – Wayne Township Fire Company**

Steve Leitch questioned whether the Board has a response from the letter he submitted in February on behalf of the Board of Directors of the Fire Company 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.

Supervisor Calhoun asked Solicitor Welch if that was permissible. Solicitor Welch stated that the Supervisors can leave it the way it is or put the funds in a separate account, adding that if the supervisors would choose to open a separate account they must adopt a resolution that indicates prior to any member of the Board of Supervisors signing checks, approval from the Board itself must be received. In other words, if the fire company came to one of the supervisors for permission to spend

## ***DRAFT***

money out of this account it would have to be approved by the Board of Supervisors during a Township meeting before the check is signed.

Supervisor Rote asked Mr. Leitch what the advantage would be to make this change.

Mr. Leitch stated that by having the fire company named on the account would mean that the fire company would receive a statement each month stating the interest and balance of the account.

Solicitor Welch stated that the fire company can certainly obtain that information from the Township Secretary/Treasurer or the Supervisors can make a motion that on a monthly basis that the Secretary/Treasurer furnishes the fire company with that information. However, he does not see the need to create yet another account that would have to be reconciled every month when there is already an account in existence.

Vice-Chair Calhoun and Supervisor Rote both agreed with Solicitor Welch and stated that they were not opposed to the fire company receiving the information each month.

### **Shoemaker Road Reconstruction Project**

Resident Carol Goodman, who resides on Shoemaker Road, does not understand why there is a three foot "wall" that is supposed to be a curb in front of their house, stating that driveway opening is so small that it makes it difficult to enter and exit their driveway, stating that if they go too far they end up in the stone swale across the road on the McCloskey property.

Her second observation is that they signed the agreement for usage of a 15 foot right of way on their property for the project but recently learned that since this curbing has been installed they lost 21 inches of their property because the curbing sits on their property according to their survey marker. Adding that there doesn't seem to be any logical reason why some things are the way they are and questioned if the existing conditions on the properties were taken into account.

Resident Mary Prince, who also resides on Shoemaker Road, stated that PennDOT has said that they did not understand it either.

Resident Bill Goodman stated that he is confused about the extreme contrast in heights of the curbing, stating that he understands that they have to dig down but he said it doesn't look right.

Supervisor Calhoun stated that he has been on-site several times and agreed that it looks high and he questioned it and the gentleman running that project is not present tonight so he can't answer their questions.

Mary Prince stated that their curb doesn't look like any other curbs in McElhattan, Linnippi or Linnwood Drive.

Supervisor Calhoun said the curbing is not what he thought it was going to be stating he thought it was going to be a rolled curb.

Bill and Carol Goodman stated that there is a steep bank now that they are unable to mow with a riding lawn mower.

Resident Lori Shemory asked the supervisors who is checking on this project to see that it is done correctly.

Supervisor Calhoun explained that at the beginning of the project the Township had two engineering groups, Mid-Penn and Uni-Tec working on the project. The Supervisors were to check on the project on a daily basis to see if things were being done correctly and he doesn't know if Supervisor Maguire is doing that and he was the one that wanted the project.

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Supervisor Calhoun then asked Township Engineer John Segursky if he had ever been called and he stated he has not been contacted, adding that the Township has been receiving Change Orders for the project from Mid-Penn so he assumes they have been onsite to inspect the project.

Bill Goodman asked what happens now that he has lost some of his property.

John Segursky said it would depend on whether the easement acquired by the Township was temporary or permanent.

Solicitor Welch indicated that he was unable to give legal advice.

A discussion was held regarding and Resident Robin Condo questioned why someone isn't out there checking on things based on the drawings such as the Township Engineer, a Supervisor or all of the Supervisors and asked why the changes made by Mid-Penn are not being approved at a Township meeting.

Supervisor Calhoun stated that he was told the ball field was his project and the Shoemaker Road Project was Supervisor Maguire's project and said questions concerning the Shoemaker Road Project should be addressed to Supervisor Maguire.

Robin Condo said that all three Supervisors should be involved in township projects.

Wayne Township Engineer John Segursky spoke regarding the curbing and said that if the curbing was installed according to PennDOT construction standards, it calls for it to be 18 inches deep. When it is finished there should be roughly eight inches revealed and without knowing the elevation of the roadway it is hard to determine if it correct adding that the cart way is going to be raised up.

Resident Steve Simcox stated that if they put a drain at the end of his mother's property on Shoemaker Road, he believes it won't drain out of the end of her driveway as it had done in the past because of the high curb.

Supervisor Rote explained that the questions raised could not be answered during the meeting because he and Supervisor Calhoun were not aware that there were questions and Supervisor Maguire was not able to attend the meeting.

### **Approval of Meeting Minutes**

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

### **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 the following permits were issued March 20 to April 26, 2018:

David Thomas – Shed  
Guy J. Walker, Jr. – Back Deck & Lean To  
Arthur Seyler – Above Ground Pool  
James Bies – Detached 2 Car Garage  
Mike Goodman Sr. – House

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Big Woods – Pavilion  
Dawn Meredith – Back Deck & Front Porch  
Mary Prince – Sun Room  
Justin McCloskey – Deck  
Charlie Barner – Garage  
Keith Seltzer – Porch Roof  
Chris Tartaglione – Storage Shed

She also reported that she attended the PSATS Zoning Officials Spring Educational Forum on April 22, 2018, and found it very informative.

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

John Segursky, P.E. reported that he provided assistance to the Township Secretary/Treasurer in providing information to contractors to submit quotes on the pipe replacement on South Road.

He also reported that environmental review documents are required as part of the Multimodal Transportation Fund Grant for the Shoemaker Road Project and he is currently working with PennDOT to complete this submission.

### **Recreation Committee Report**

Recreation Committee Member Doris Fritz reported that there will be a Volunteer Day May 5<sup>th</sup>, no time established, to plant trees around the rain garden at the ball field.

Vice-Chair Calhoun reported that the work on the restrooms at the ball field will continue the week of April 30<sup>th</sup> and Hillcrest fertilized and re-seeded a portion of the ball field.

Doris Fritz reported that she contacted the engineer working on the Ball Field Project about the parking lot and he said the papers should be in by the end of the week.

She reported that the bathrooms are now open at the Nature Park, however, the small water fountain is not working. Also, there are plans to put more plants in the butterfly garden at the Nature Park.

Supervisor Calhoun explained that the water fountain valve in the small water fountain is faulty and the part costs \$300 and he doesn't feel the repair is urgent since there is another water fountain that can be used.

### **Old Business:**

#### **Shoemaker Road Project**

Vice-Chair Calhoun reiterated that the Supervisors will be working to resolve the issues raised by residents about the project.

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

Supervisor Calhoun stated that the Board received the following quotes for the South Road Pipe Replacement Project:

Charles Construction	-	\$17,750.00
HRI, Inc.	-	\$35,000.00
Glenn O. Hawbaker	-	\$57,370.00

Supervisor Rote made motion to accept the quote from Charles Construction for \$17,750 for the South Road Pipe Replacement Project; seconded by Supervisor Calhoun, MCU.

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### **Executive Session**

Vice-Chair Calhoun adjourned the meeting at 7:42 p.m. stating that the Township Solicitor has requested an Executive Session to discuss the current zoning ordinance.

Supervisor Calhoun called the meeting back to order at 7:50 p.m.

### **New Business:**

#### **Amendment to Zoning Ordinance**

Supervisor Calhoun explained that Solicitor Welch recommended that the Township amend the Wayne Township Zoning Ordinance to allow for the sale of alcoholic beverages as a conditional use in the Highway Interchange District.

Township Solicitor Paul Welch clarified that the Supervisors wish to have an amendment to the current zoning ordinance to allow for the sale of alcoholic beverages in the Highway Interchange as a conditional use should the sale of alcoholic beverages within the Township be passed in the upcoming election.

According to Solicitor Welch, this issue will be on the ballot for the May Primary Election and if the Supervisors do not start the process to amend the ordinance, the day after the election the ballot results show that the Township has turned from dry to wet and someone applies for a liquor license, they could sell alcoholic beverages in any zoning district within the Township because there is nothing in the zoning ordinance to prohibit the sale of alcohol. So the process needs to be started to prevent someone from claiming to be grandfathered in if the township hasn't started the process to amend the ordinance to provide for the sale of alcohol.

Supervisor Calhoun made a motion to begin the process to amend the Zoning Ordinance to allow for the sale of alcoholic beverages as a conditional use in the Highway Interchange District; seconded by Supervisor Rote, MCU.

#### **Wayne Township Ball Field Committee Requests & Proposed Agreements, including:**

- (1) Authorization to spend the remaining First Quality funds on the ball field using the guidelines set out in the Second Class Township Code;**
- (2) Wayne Township Ball Field Special Use Agreement; and**
- (3) Park Use Agreement between Wayne Township and Woolrich Little League**

Supervisor Calhoun stated that the Supervisors have not met with the Woolrich Little League regarding the park and a meeting has been scheduled for May 2<sup>nd</sup>.

Township Solicitor Paul Welch questioned why the authorization to spend the remaining First Quality funds on the ball field is necessary as the guidelines in the Second Class Township Code must be followed regardless of any authorization granted by the Supervisors. Adding that his understanding is that the condition of the acceptance of the First Quality funds is that they would be used for construction of the ball field and if there were any funds left over they would be used for maintenance.

Supervisor Rote clarified that the authorization being requested is in regard to the Supervisors giving authorization to the Ball Field Committee to make purchases.

Supervisor Calhoun tabled the matter to the May meeting.

#### **Approval of Change Order #2 for fencing and concrete changes for Ball Field Project**

Supervisor Calhoun explained that the Board received Change Order #2 for the Ball Field Project for fencing and concrete changes to allow for the dugouts in the amount of \$5,244.00

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Supervisor Rote made a motion to approve Change Order #2 in the amount of \$5,244.00 for fencing and concrete changes for the Ball Field Project; seconded by Supervisor Calhoun, MCU.

### **Bleachers, Flowers and Shrubs for Rain Garden and Spouting for Concession Stand for Ball Field Project**

Supervisor Calhoun explained that the Board needs to approve concrete changes for pads to be placed under the bleachers; approve the purchase of flowers and shrubs from Rizzo's Greenhouse who provided the lowest quote of \$1,282.40, noting that the plants will be placed in the rain garden at the ball field; and approve purchasing spouting for the concession stand.

Supervisor Rote made a motion to approve the concrete pads for under the bleachers; purchase of flowers and shrubs for the rain garden; and approve the purchase of spouting for the concession stand for the Ball Field Project; seconded by Supervisor Calhoun, MCU.

### **Clinton County Economic Partnership Membership Renewal (\$500)**

Supervisor Calhoun stated the Township received the annual membership renewal request from the Clinton County Economic Partnership which is \$500.

Supervisor Rote made a motion to renew the Clinton County Economic Partnership Membership for \$500; seconded by Supervisor Calhoun, MCU.

### **Landfill Advisory Committee**

Supervisor Calhoun stated that the Board of Supervisors received a letter from the Wayne Township Landfill concerning the Landfill Advisory Committee requesting that one of the members be removed.

Supervisor Calhoun stated that the matter will be tabled until the next meeting because he doesn't agree with what they are asking the Board of Supervisors to do and he would like to wait until all Supervisors are present to discuss the request.

### **Employee Time Sheets**

Supervisor Calhoun questioned Solicitor Welch about the implementation of new time sheets and referred to a letter that Solicitor Welch sent to the Board regarding a statement on the bottom of the time sheet and that employees would sign their own time sheets. He said that this had been done in the past and Solicitor Welch was not in favor of the practice.

Solicitor Welch said that he did not recall what was said previously but explained he doesn't see how a Supervisor can sign employee time sheets verifying that the work was done unless the Supervisor is there to witness that the work was completed.

If the employee signs the time sheet verifying that the work was done and it turns out that the Township learns that the time was not correct, that the employee did something that was improper by putting down the incorrect number of hours, the Township then has a remedy available to it, as opposed to a township employee and supervisor signing the time sheet and then the township finds out that there is a discrepancy in that the employee did not work the hours indicated there is nothing the township can do because the employee's hours were already approved. By having the employee alone signing the time sheet, then if there was a question about hours, the Township could investigate and if it is determined the hours were wrong, then the township has a remedy.

Supervisor Calhoun said he was questioning this matter because he thought it was being directed at him and that was why the signing of time sheets by a Supervisor might change. He heard that someone was saying that he was cheating on his time sheet and Supervisor Maguire refused to sign his time sheet.

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Solicitor Welch stated that he was aware that Supervisor Maguire refused to sign his time sheet and whether Supervisor Maguire or Supervisor Rote signs his time sheet or another employee's time sheet, it is not verification of hours worked unless a Supervisor is present to confirm that the hours worked. The only way you are going to hold someone accountable for hours worked is for that person who writes down the hours also be the one who signs the time sheet.

Supervisor Calhoun stated that he questioned it because it is his reputation that they are trying to tear apart and he doesn't agree with that and it came right from this office.

Solicitor Welch stated that if he is talking about his reputation then we are discussing two different things and went on to say that he felt that what he was suggesting would be appropriate for the township regardless of how it came about.

Resident Lori Shemory questioned that if this was going to be implemented who would be authorized to verify that the hours on the time sheets are correct.

Solicitor Welch responded that if something is brought to the attention of the Supervisors then an investigation would be done.

Supervisor Calhoun stated that this did not become a problem until this year when the Board of Supervisors changed.

Further discussion was held on the matter.

### **Invoices**

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 Calhoun, MCU, and the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

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Peggy Fanning  
Acting Secretary

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James B. Maguire, Chairman

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David W. Calhoun

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Brad L. Rote

Supervisors