

**BERWICK TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 13, 2014**

CALL TO ORDER & PLEDGE TO THE FLAG: The October 13, 2014 regular meeting of the Berwick Township Board of Supervisors was held in the Berwick Township Municipal Building, 85 Municipal Road, Hanover, PA. Chairman Foltz called the meeting to order at 6:00 p.m. Present were Supervisors Robert Foltz, Earle Black, Barry Cockley, Pete Socks, Tom Danner, Solicitor Tim Shultis, Township Engineer Tim Knoebel and Township Secretary Jean Hawbaker. Mr. Foltz asked all to stand for the Pledge of Allegiance to the Flag.

Tim Tyler, Deputy Fire Chief of United Hook and Ladder was present to report that in July there were 43 calls, August there were 24, and September there were 29. There was discussion on recruitment and retention within the Fire Department. Mr. Tyler thanked the Board for their support.

The Board went into executive session at 7:08 p.m. to consult with the Township Solicitor and another professional advisor regarding information of strategy in connection with litigation or with issues filed. The first part of the meeting, the Board will be meeting with Attorney Bob Chernicoff, who represents Insite Development, also known as Eagle View Mobile Home Park. At the conclusion of this discussion, the Board will continue the executive session to discuss anything further related to that.

The Board came out of executive session at 8:03 p.m.

CITIZEN COMMENTS: Bea Haskins read a letter to the Board in reference to the park. She included her thoughts on why Supervisor Socks changed his mind about the park. She also spoke about Bob Foltz bringing the park up.

CONSENT AGENDA: Supervisor Sock's moved to approve the minutes of September 8, 2014, Bill list, Unpaid bill list and Balance Sheet dated October 13, 2014 and Roadmaster's report for September 2014, seconded by Supervisor Cockley. The motion carried with 5 yeas.

CORRESPONDENCE:

- Borough of New Oxford/Police Services – The Board was not interested in pursuing this issue.
- PennDOT Winter Services Meeting – Supervisor Danner made a motion for Bob Foltz and Bob Frock to attend this meeting which will be held on October 30, 2014, 9:00 a.m. at the PennDOT Maintenance Facility – 1185 Fairfield Road, Gettysburg, seconded by Supervisor Cockley. The motion carried with 4 yeas. Bob Foltz abstained.
- PSATS Human Resources/Labor Management Workshop.

October 13, 2014

UNFINISHED BUSINESS:

1) **FORMATION OF BERWICK/HAMILTON AUTHORITY** – There is a joint meeting scheduled on October 16, 2014 at 7:00 p.m. at Hamilton Township.

2) **ABBOTTSTOWN/BERWICK WINTER/MOWING AGREEMENT** – Bob Foltz was instructed to discuss with Abbottstown which sections of Country Club Road are in Berwick. Supervisor Sock's moved to approve signing the agreement, seconded by Supervisor Danner. The motion carried with 5 yeas.

3) **EARLE BLACK'S INSURANCE PREMIUMS DUE UPDATE** – Supervisor Danner presented a spreadsheet representing the total amount due to the township. Mr. Danner stated that it was billed wrong and he went through all the journals, check deposits, invoices and did the math. The agreement was made in October 2008 that Mr. Black would pay \$100.00, plus his Supervisor's pay towards his insurance. The Second Class Township Code clearly states that a spouse's insurance cannot be paid for by taxpayers. When Mr. Black was billed, the total premium was billed first, then the premium was deducted for Mr. Black and then was deducted off of that and that was wrong. It should have never been done that way. It should have been two separate issues. The Supervisor premium, less \$100.00, plus the Supervisor pay which would have been applied to that. That is what the Township would have paid for your insurance. Your wife's insurance would have been paid by you 100%. At the last meeting you agreed to pay the Township the monies owed to them. The total due is \$6,609.20. Mr. Danner stated, you either need to pay it in full or if you want to make payments, it should be interest bearing payments. Mr. Black stated he will make three payments once a year for three years, but not with interest. He went on to say that he watched the Board one night. We had someone that never paid their sewer bill and it was given away because there was a billing mistake in the office. Supervisor Cockley moved to accept the payment plan, seconded by Supervisor Sock's. Tim Shultis will draft an agreement that payments will be due November 15, 2014, 2015 and 2016, regardless if Mr. Black is a Supervisor on the Board. The motion carried with 4 yeas. Supervisor Black abstained.

4) **UPDATE INVESTIGATION OF INFORMATION LEAVING THE TOWNSHIP OFFICE** – Mr. Danner stated he has done some work on finding out some information relative to the information that was given to Supervisor Sock's employer. There are some serious issues that have taken place here that we need to be careful about. We know last year that office emails were given to Supervisor Sock's employer in an attempt to get him fired. We know that this practice of giving the Secretary/Treasurer approval to proceed with paying bills via email and on the telephone was done for several years without objection or discussion by any Supervisor. We know that Supervisor Foltz, Cockley and Sock's had no part in this and I (Mr. Danner) was not on the Board and had no part of this. This only leaves three people that could have perpetrated, associated or accomplished this act with access to the Township computer. Two of those individuals have addressed the issue. Mr. Black is the only individual that when asked questions in executive session, answered them with the word "probably". I will have a report next month with recommendations on legal actions that the Township may need to take based on information

October 13, 2014

from some individuals and some new information that has come to light that may enable us to totally open up this thing to find out exactly what happened. Before I proceed further, I need to ask Mr. Black a question. Will you answer in writing to the Board and answer questions relative to the issue of the office emails being given to Supervisor Sock's employer? Mr. Black replied "no". Mr. Danner will have a report and a recommendation for the Board as to what actions the Board should take, either criminally or civilly at the next meeting.

NEW BUSINESS:

1) **LINCOLN SPEEDWAY TAX REMITTANCE ISSUES** – The Township has heard no response from the Speedway.

Supervisor Foltz stated there are "no parking" signs lying in a cornfield along Racetrack Road. The Township should make Lincoln Speedway aware of this. Supervisor Danner moved to authorize Tim Shultis to send them a letter, seconded by Supervisor Sock's. The motion carried with 5 yeas.

2) **PERSONNEL MANUAL UPDATES** – There was discussion on classifications of employees working between 35 and 40 hours per week. The Board agreed the manual will be revised if needed for hours worked between 35 and 40 hours per week. Also discussed was overtime hours worked after 8 hours, which should be paid at time and a half. Supervisor Danner moved to get a copy of the accrued vacation for new employees and revised manual to Tim Shultis so he can review it prior to the Board approving it, seconded by Supervisor Sock's. The motion carried with 4 yeas. Supervisor Foltz abstained.

3) **GEISINGER HEALTH INSURANCE RENEWAL/COVENTRY INSURANCE RENEWAL** -

Supervisor Cockley presented the Board with a matrix of various insurance plans and pricing. The employees will need to check their networks and get back to the Board. Further discussion will ensue in executive session in this regard.

4) **2015 BUDGET** - Supervisor Foltz moved to authorize advertisement of the Board's intent to adopt the 2015 Budget, seconded by Supervisor Cockley. The motion carried with 5 yeas.

5) **2014 DONATIONS** – Supervisor Sock's moved to approve a donation of \$1,000 to the H.A.R.T. Center, seconded by Supervisor Danner. The motion was carried with 5 yeas. Supervisor Cockley moved to approve a donation of \$250 to the Adams Rescue Mission, seconded by Supervisor Sock's. The motion carried with 5 yeas. Supervisor Danner moved to approve a donation of \$250 to Adams County Transit Authority, seconded by Supervisor Foltz. The motion carried with 5 yeas.

6) **TOWNSHIP PARKING LOT QUOTE** – Supervisor Cockley moved to approve the quote received from John Parichuk Paving, LLC in the amount of \$4,500 based on getting it done

October 13, 2014

before winter, seconded by Supervisor Sock's. The motion carried with 5 yeas. Supervisor Foltz will contact J.A. Myers to find out when they are going to fix the entrances.

CODE ENFORCEMENT/PERMIT REPORT:

- Mr. Hartman submitted and reviewed the Township permits issued in September 2014 and a list of code violations and their status.
- Villa Vista Sight Distance – Will get back to the Board when we hear from PennDOT officially in writing.
- “No Parking” signs have been put up in Summit Ridge on one side of the street until J.A. Myers has completed construction.

ENGINEER'S REPORT:

- WWTP Monthly Operations Report – September 2014.
- Sanitary Sewer Maintenance Contract – A pre-construction meeting will be scheduled.

Monthly Pending Plans Report:

- Destiny Estates – Time Extension/Action – An extension of 120 days is requested because they are dealing with water issues. Supervisor Sock's moved to grant a 120 day extension, seconded by Supervisor Cockley. The motion carried with 4 yeas. Supervisor Danner was opposed.

SOLICITOR'S REPORT:

Mr. Shultis stated on September 22, 2014 we walked through the O'Brien right-of-way in preparation to going to trial. I then submitted documents to court to list the case for a pre-trial conference to meet with the judge to go over the issues, possible witnesses and scheduling. Mr. O'Brien objected to me listing the case for pre-trial conference because we have not given them time to do discovery.

Supervisor Sock's stated this is in response to Bea Haskins letter which seems to vent park frustrations towards him. Mr. Sock's explained that on October 31, 2013, I sent a reply to an email requesting my input on talking points for Election Day at the committee table. My exact words in that email were, this park committee is committed to securing grants and donations to ensure tax dollars are not used. It is our intent to utilize all avenues possible to ensure that. It is possible that some tax dollars may be used, but our intent is to not touch any tax dollars. Ms. Haskins stated, “your reply was great Pete, I feel comfortable using that since it came from you”. That is not what happened. On November 8, 2013, I sent you an email discussing my concern over how committee members misrepresented the project by telling voters no tax money would be used. You proceeded to tell me you were the Committee Chairman and must act through the Committee. This Board discussed those findings and those comments at the next meeting. The reason the park was shut down was because this Board lost all faith in your ability to handle the park in an impartial manner. That is the last statement I am making on the park.

October 13, 2014

CITIZENS COMMENTS: Fred Nugent stated that Supervisor Danner has threatened possible criminal or civil actions against individuals or an individual who supplied information to Mr. Sock's place of employment. That information being, "office emails". If the Board has not gone to Mr. Sock's place of employment and asked to see the office emails, then I would recommend that Mr. Danner take that step prior to threatening fellow Board members in a public meeting.

Mr. Danner stated he will give further information to the Board at the next meeting and they can see how they want to proceed. There were no threats, only statements.

Bea Haskins wanted to know who the quote was from and the amount for the Township parking lot.

Supervisor Foltz stated it is from John Parichuk Paving, LLC in the amount of \$4,500.

Ms. Haskins wanted to know if there was anything the Board can tell us about Eagleview and Insite.

The response was no.

The Board went into executive session from 8:40 p.m. to 9:03 p.m. to discuss personnel matters.

The meeting adjourned at 9:04 p.m. by motion of Supervisor Sock's, seconded by Supervisor Cockley. The motion was carried.

The next regularly scheduled meeting of the Berwick Township Board of Supervisors will be held on November 10, 2014, 6:00 p.m. at 85 Municipal Road, Hanover, PA 17331.

Respectfully submitted,

Jean A. Hawbaker
Secretary