

**BERWICK TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
AUGUST 11, 2014**

**CALL TO ORDER & PLEDGE TO THE FLAG:** The August 11, 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.

**CITIZENS COMMENTS:** Kathy Nugent commented regarding the June 23, 2014 minutes. They were ridiculous and were obviously not entirely written by the Secretary. They are being used as a forum for the political agenda of a least one current Supervisor. The doctored minutes are contaminated with actual lies, false assumptions, inaccuracies and innuendos that have no bearing on the business at hand. I cannot believe the Board accepted them. In the future, we citizens deserve and require the minutes to be written in a professional manner by an impartial party and to only state motions, votes and current business at hand.

Ted Dodge a resident of the Township was spoke regarding the road resurfacing done on Villa Vista. Supervisor Foltz explained it was seal coated, but it will get another layer on top when the rain washes the road clean. Mr. Dodge wanted to know why it was tarred and chipped instead of paved. Mr. Foltz stated in the Second Class Township Code the municipality has the right to regrind it which would cost \$600,000-\$700,000. It is not fair to the people that don't use the road. He was advised that there will be a top seal applied, which will make a world of difference.

Supervisor Black spoke regarding Mr. Sock's comment about his health insurance. Mr. Black stated he had reports that shows he did not receive any Supervisor pay and it went towards the cost of his insurance. Supervisor Socks explained that it appears in 2011 you picked up family coverage and the invoices from 2009 and 2010 shows two accounts. One for you and one for your wife. The way it was invoiced, they deducted single coverage off of your family account 100% and then deducted your Supervisor check from the balance. So your Supervisor check did not go towards your coverage, it went towards your wife's. It was vague up until 2011 and then the calculations started. It was not applied to your single coverage, it was applied to your balance which was your wife's. Mr. Black stated he thought it covered his insurance and will look into it. Supervisor Danner stated you want to make sure it is clarified from the standpoint of compliance as well, because the Second Class Township Code says we can't pay for a spouse's insurance. If nothing else, we want to make sure that it is in compliance.

Ted Dodge stated in the last two months, people have put up yard sale signs on telephone poles and is blocking the sight distance. The Chairman advised the Code Enforcement Officer to look into the situation.

Kathy Nugent stated she doesn't understand why Supervisor Socks is trying to hurt Mr. Black, who has acted in good faith, has not done anything wrong and is extremely moral. It is not right

that week after week we have to listen to this. It started this way before the election and it has continued.

Supervisor Socks read the following statement:

Mr. Black, we would like to discuss tonight some underlying issues that have continued to play out for the past year causing unwarranted tension and underlying mistrust on the Board and a distraction in conducting Township business.

It is a known fact by members of this Board that last fall, comments were made by you to multiple residents of this township that "Mr. Foltz and Mr. Socks were in your crosshairs". Additionally, it came to our attention that you stated we are making sure "Mr. Foltz was being watched". We know you carried those threats out. Weekly you were in this office reviewing time cards obviously looking for something on Mr. Foltz. Secondly, we have already discussed the situation with you spreading lies about Mr. Foltz accepting payments from contractors. Third, a few months ago you were point blank asked about what knowledge you had involving emails and documentation leaving the office regarding the Office Manager approving or giving the past Secretary/Treasurer consent to proceed with bill processing or submitting payroll, and giving to a third party. It is evident to members of this Board by your response, when asked, do you know who divulged this information, you responded with "probably". You clearly have knowledge as to who did it. Furthermore, we have discovered that this information was removed from this office, given to a third party who in turn delivered this packet of information to a member of executive management at my employer in an attempt to get me fired. It still remains a mystery, why if you were so concerned about this practice, that you were aware of what was happening that you did not express your concerns to the Board first to stop this practice.

My concern at this time is not for the three day's pay you cost me, rather my concern as Office Manager and Right-to-Know Officer is how we can avert future unauthorized releases of information. Your withholding of this information and unwillingness to participate in discovering this security breach is telling. Apparently your hatred of me is greater than your commitment to the taxpayers of this township who put you in that seat and the duties of your job as Supervisor, which would be to inform the Board first of what you consider troubling practices. Members of this Board wish to know, Mr. Black once more.....what do you know about the illegal release of classified township information from our office to a third party without a Right-to-Know request.

Supervisor Black stated we have a security camera now.

Supervisor Foltz made a comment to Bea Haskins about a previous email. It said that Supervisor Black has a friend with land adjacent to potential park land 15+/- acres. If this falls through with your original park plan, this party would be interested in a leasing or purchasing agreement to expand the park. Mr. Black stated this friend seen an article in the paper and mentioned his land. Ms. Haskins stated it was a possible alternative for the committee to consider in the event the other land didn't go through. Mr. Foltz stated that land started free and would have cost the township \$275,000. Ms. Haskins stated it did not start free. Mr. Socks explained that was the only reason he was interested in it because if was going to be free. A few days later, it was no

longer free. Ms. Haskins stated the original proposal came when the owner wanted to donate the land. Mr. Socks was going to contact her and schedule a sight visit. She then said she had never said it was her intention to donate the land. Mr. Socks stated the original proposal was that the land was being donated and then it changed.

Mr. Black stated that when the idea was first brought up in executive session, the land was being donated.

**CONSENT AGENDA:** Supervisor Cockley moved to approve the minutes of 7/14/14, bill list dated 8/11/14, unpaid bill list dated 8/11/14, balance sheet dated 8/11/14 and the Roadmaster's report for July 2014, seconded by Supervisor Danner with a correction to the minutes regarding Supervisor Danner's apology to Fred Nugent. It was unprofessional and apologized to him. Deleting the word I as it read, currently it appears that the Secretary is apologizing. Supervisor Danner asked Mr. Shultis as a Board, do we not have a right to put in the minutes more than what is required. Mr. Shultis stated the minutes can be as complete as you want them to be. Mr. Black asked if all of the bills were paid on the bill list. Jean Hawbaker stated if they are not on the unpaid bill list, they were paid. Ms. Haskins asked about the monitoring bill for the security system. Mr. Socks stated the previous secretary paid it twice and the account will be credited. The motion carried with 4 yeas. Supervisor Black abstained since he did not attend the last meeting.

**CORRESPONDENCE:**

- Supervisor Black's letter discontinuing health/dental insurance effective 9/1/14 was acknowledged by the Board.

**UNFINISHED BUSINESS:**

1) Supervisor Socks stated that Jean Hawbaker is bonded and now we need to get new bank cards signed. Supervisor Danner will get the necessary paperwork.

2) Jeff Stough was present to discuss Cambrian Hills sewer - Mr. Stough explained that on 7/22/14 the New Oxford Municipal Authority (NOMA) voted to allow customers from Oxford Township to come across over to Berwick Township. Tim Knoebel stated that three parties would have to consent to this, Berwick, Oxford and NOMA. This will probably trigger Act 537 issues. You will need to know where Oxford Township is on it and this Board would need some time to discuss it. There was further discussion regarding the plans for additional customers from Oxford Township connecting to the J.A. Myers sewer lines and current pump station loads. As well as upline effects to existing pump stations, EDU issues, I&I issues and inter-municipal agreements.

**NEW BUSINESS:**

1) **Resolution #14-033 – Standards for Municipal Pension Systems** - The Board tabled to allow Mr. Shultis time to review.

2) **Wayne Smith – PSATS Retirement Paperwork** – The Secretary was instructed to contact Mr. Smith by telephone.

3) Respond to Bea Haskins letter – Supervisor Foltz read a letter in response to Ms. Haskins letter which she read publically on 7/14/14 regarding the Eagle View Mobile Home Park. (Mr. Foltz’s response has been attached and sealed to the minutes of this meeting).

A resident asked if Mr. Irwin received an occupancy permit for the office at Eagle View. Mr. Shultis explained that Mr. Irwin applied for a zoning approval. This approval will require L&I inspection. His permit application is pending. Another resident wanted to know what could be done with the holes in the road. Mr. Shultis stated he can send a letter but would first like to receive a letter from the residents in this regard. Supervisor Foltz moved, seconded by Supervisor Cockley authorized Mr. Shultis to forward the residents letter to Mr. Irwin. The motion carried with 5 yeas.

3) **Lincoln Speedway – Tax Remittance Issues** – Supervisor Danner presented a list of remittance issues. Mr. Danner moved to authorize Mr. Shultis to send a letter to Lincoln Speedway regarding these issues, seconded by Supervisor Socks. The motion carried with 5 yeas.

4) **Amusement Tax on Dish/Direct** – Supervisor Danner wanted to know if Dish/Directv quality for franchise fees. Mr. Shultis stated that franchise fees are charged for rights-of-way whether it’s an amusement tax, he wasn’t sure. Mr. Danner moved to authorize Mr. Shultis to research this issue. Supervisor Cockley asked if this was a common thing. Mr. Shultis stated he wasn’t aware of any. The motion died for a lack of a second.

5) **Personnel Manual Updates** – Tabled to allow time to review.

6) **Resolution for all Personnel Incurred Insurance Matters and Logged into Personnel Manual and Reviewed by the Auditors each year** – Supervisor Danner state based on the information relative to the expenses on insurance, the Auditors do not look at issues such as Supervisor insurance. Supervisor Cockley stated this is a common sense office procedure. Supervisor Foltz moved, seconded by Supervisor Socks instructed Mr. Shultis to prepare a resolution so that account numbers get coded to ensure the Auditors will make sure proper procedures are followed. The motion carried with 5 yeas.

7) Mr. Shultis stated the purpose of the 6/23/14 executive session was for the purpose of discussing unidentifiable complaints which were expected to be filed. Supervisor Danner moved to include this in the minutes as the purpose was inadvertently left out of the minutes of 6-23-14, seconded by Supervisor Socks. The motion carried with 5 yeas.

8) **Recurring Vendor Bill List** – Supervisor Socks moved to approve the Recurring Vendor Bill List, seconded by Supervisor Danner. A revised list as hi-lighted will be given to the Supervisors including the office manager’s phone. The motion carried with 5 yeas.

#### **CODE ENFORCEMENT/PERMIT REPORT:**

A meeting is scheduled with Will Tallman to discuss the Villa Vista sight distance issue.

Mr. Hartman submitted and reviewed the Township Permits Report issued in July 2014 and a list of code violations and their status.

Supervisor Danner asked Mr. Hartman to find out what the State requirements and regulations are for outdoor furnaces due to receiving several complaints regarding smoke and illegal substances being burnt. Supervisor Foltz stated that complaints should be filed at the office.

#### **ENGINEER'S REPORT:**

- WWTP Monthly Operations Report – July 2014
- Monthly Pending Plans Report
- Sanitary Sewer Maintenance Contract Award – Supervisor Cockley moved to award the contract to Tri State Grouting in the amount of \$42,000.000, seconded by Supervisor Socks subject to receiving the required bonding, insurance and verification of their statement of qualifications and references. Mr. Shultis will discuss the specifications with Mr. Foltz. The motion carried with 5 yeas.
- Sewer Bio Solids Application Update – Submitted the sampling plan to DEP and addressed their comment.

#### **SOLICITOR'S REPORT:**

- Formation of Joint Berwick/Hamilton Authority – The biggest issue is not operational but financial. Supervisor Danner moved to authorize Mr. Shultis to respond to Option #3 in a letter to Randy Hurst regarding the financing stating that Berwick is not agreeable, seconded by Supervisor Foltz. The motion carried with 5 yeas.
- Abbottstown/Berwick Winter Road Agreement – Supervisor Foltz will be in contact with Abbottstown since the township did not receive a response.
- Lincoln Speedway Agreement is signed and have the original and a copy for the office.
- O'Brien Update – Will be meeting with an individual regarding the camera issues of the sewer lines.
- Eagle View Mobile Home Park – Did not receive a response from the letter we sent on 7/9/14 to Bob Chernicoff.

**CITIZENS COMMENTS:** Fred Nugent stated the township has a very knowledgeable Code Enforcement Officer and would encourage the Board to consider taking advantage of him as a UCC Inspector, eliminating Ed Strevig. The cost of it will need to be looked into. Mr. Appler commented that liability insurance and insurance in general may be an added cost as well.

Supervisor Socks moved to adjourn at 8:28 p.m., seconded by Supervisor Cockley.

**The next regularly scheduled meeting of the Berwick Township Board of Supervisors will be held on September 8, 2014 at 6:00 p.m. at 85 Municipal Road, Hanover, PA 17331.**

Respectfully submitted,

Jean A. Hawbaker  
Secretary