

BERWICK TOWNSHIP, ADAMS COUNTY  
BOARD OF SUPERVISORS  
REGULAR MEETING  
APRIL 25, 2011

**CALL TO ORDER**

The April 25, 2011 regular meeting of the Berwick Township Board of Supervisors, Adams County, was held in the Berwick Township Municipal Building, 85 Municipal Road, Hanover, PA. Chairman Robert Foltz called the meeting to order at 6:00 pm. Present were Supervisors Fred Nugent, Earle Black, Alan Carey and Pete Socks. Solicitor Tim Shultis, Engineer Tim Knoebel and Township Secretary Janny Graham were present. Bob Foltz asked all to stand for the Pledge of Allegiance to the Flag.

**CITIZEN COMMENTS**

MASON'S PROPANE – Gerald Funke and Mr. Mason were in attendance and gave an update on the project. A modification regarding the NPDES has been submitted to the county. The Letter of Credit is being prepared and the Developers Agreement also needs to be signed and submitted.

**CONSENT AGENDA**

MINUTES FOR 4/11/11 – Pete Socks made the **motion** to approve consent agenda, Fred Nugent seconded. Motion carried with 4 yeas, Earle Black was absent from meeting so he abstained.

**CORRESPONDENCE**

NEW OXFORD VOLUNTEER FIREFIGHTERS' RELIEF ASSOC. AUDIT – Fred Nugent made the **motion** to have the secretary send a letter requesting if they are in compliance with Finding No. 1 (Noncompliance with Prior Audit Recommendation-Failure to Maintain a Complete and Accurate Equipment Roster), Pete Socks seconded. Motion carried with 5 yeas. Fred Nugent made the **motion** to put the report on the township website with the letter of compliance, Bob Foltz seconded. Motion carried with 5 yeas.

ADAMS COUNTY SPAC – Meeting is scheduled for 5/31/11.

ADAMS COUNTY 2010 CENSUS HIGHLIGHTS – Reviewed information.

**UNFINISHED BUSINESS**

ADAMS COUNTY ECONOMIC DEVELOPMENT PLAN – Reviewed

KINSLEY CONSTRUCTION – Letter of Credit was extended to 5/15/12 by M&T Bank.

**NEW BUSINESS**

M&T CD SEWER FUND – Decision by the Board to check rates and table until the next meeting 5/9/11.

PSATS PENSION TRUST FUND – The Board is in agreement with the replacement funds stated on the Selection form and will have PSATS Trust Fund make the allocation of investment funds on Township behalf.

SR 94 FILL/HEI PROJECT – Regarding NPDES Permit. Tim Knoebel will call developer and request plans and information to be sent to Township Zoning Officer for his review.

INVOICE FOR DUMP TRUCK STORAGE – Received Invoice from Shultz Real Estate for the storage of new dump truck. Earle Black made the **motion** to pay invoice, Fred Nugent seconded. Motion carried with 4 yeas, Alan Carey abstained for conflict of interest.

## **ENGINEER'S REPORT**

### ENGINEERING

1. WWTP Operating Report – March report was reviewed.

### SUBDIVISION & LAND DEVELOPMENT

1. Pending SALD Plans
  - a) The Bridges Phase 1 – Fred Nugent made the **motion** to grant Time Extension request to August 1, 2011, Bob Foltz seconded. Motion carried with 5 yeas.
  - b) Lingg/Destiny Estates – Fred Nugent made the **motion** to grant Time Extension request of 90 days, Bob Foltz seconded. Motion carried with 5 yeas.
  - c) Laughman/Hoffman Final Plans – Fred Nugent made the **motion** to grant Time Extension request of 90 days, Bob Foltz seconded. Motion carried with 5 yeas.
  - d) Mason's Propane – Fred Nugent made the **motion** to grant Time Extension request to June 27, 2011, Bob Foltz seconded. Motion carried with 5 yeas.
2. Bridgeview Letter of Credit – Bob Foltz made the **motion** to have the secretary contact Community Bank, now known as Susquehanna Bank, and find out the current status of the Letter of Credit for Bridgeview Development, Fred Nugent seconded. Motion carried with 5 yeas.

## **SOLICITOR'S REPORT**

NEW SNOW REMOVAL ORDINANCE – Will be advertised and ready to take action at the May 9, 2011 Board of Supervisors Meeting.

EAGLE VIEW MHP – Solicitor sent the list of complaints by the residents to Attorney Chernicoff representing Insite Development in its Bankruptcy. We would like Insite to come into compliance with the Township Ordinance so he has a valid MHP license. Have not received a response to date.

EAGLE VIEW MHP SEWER ACCOUNTS – Solicitor sent a 30 day letter under the municipal claims act because of past due accounts. Response from Attorney Chernicoff was a letter stating that Insite is in Chapter 11 Bankruptcy so we would have to go through the Bankruptcy Court. Further discussion will be taken in executive session.

## **PERMIT/ZONING REPORT**

CODE ENFORCEMENT REPORT – Reviewed.

**CITIZEN COMMENTS** – None

**QUESTIONS FROM THE PRESS** – None

**EXECUTIVE SESSION** – Bob Foltz requested an Executive Session at 6:45 pm for personnel matters and litigation issues.

**RECONVENED** – Meeting reconvened at 7:20. Personnel matters and litigation issues were discussed.

LETTER OF RESIGNATION – Alan Carey made the **motion** to accept the letter from Earle Black for resignation of his position as Treasurer and Chief Administrative Officer for the Pension Plan, Pete Socks seconded. Motion carried with 4 yeas.

TREASURER – Alan Carey made the **motion** to appoint Fred Nugent Treasurer and Chief Administrative Officer for the Pension Plan, Pete Socks seconded. Motion carried with 5 yeas. Resolutions will be prepared for the next board of supervisors meeting.

INSITE DEVELOPMENT – Bob Foltz made the **motion** to have the solicitor pursue legal action against Insite Development in the bankruptcy court for funds outstanding to Township, Alan Carey seconded. Motion carried with 5 yeas.

**ADJOURNMENT** – Bob Foltz made **motion** to adjourn at 7:30, Pete Socks seconded. Motion carried.

Respectfully Submitted:

Janny Graham, Township Secretary