

**BERWICK TOWNSHIP, ADAMS COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 12, 2013**

CALL TO ORDER & PLEDGE TO THE FLAG

The August 12, 2013 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 Robert Foltz, Fred Nugent, Earle Black, Pete Socks, and Barry Cockley. Solicitor Tim Shultis, Code Enforcement Officer Mike Hartman, and Township Secretary Karen Eakin were also present. Bob Foltz asked all to stand for the Pledge of Allegiance to the Flag.

CITIZENS COMMENTS

TOWNSHIP PARK COMMITTEE – Bea Haskins reported that there were two responses to the press release for volunteers for the Township Park Committee.

EAGLE VIEW – Bea Haskins stated that there are homes being sold in the development.

TOM DANNER – Presented a letter to the Board and read it aloud regarding the July 22 Board meeting. Mr. Danner was stating his viewpoint that he should be allowed to ask questions of the Board.

APPROVE CONSENT AGENDA

MINUTES for 7/22/13 – Barry Cockley made the **motion** to approve the Minutes, amended to list the Executive Session and departure time for Supervisor Nugent, seconded by Earle Black. The motion was passed with 5 yeas.

BALANCE SHEETS as of 8/3/13 – Pete Socks made the **motion** to approve the Balance Sheets, seconded by Barry Cockley. The motion was passed with 5 yeas.

ROADMASTER'S REPORT for July 2013 – Fred Nugent made the **motion** to approve the Roadmaster's Report, seconded by Pete Socks. The motion was passed with 5 yeas.

APPROVE BILL LIST

BILL LISTS (7/4/13 – 8/3/13)

1. KPI Invoice – There was a discussion regarding the engineering fees that were charged to the Township.

Earle Black made the **motion** to approve the Bill Lists, seconded by Barry Cockley. The motion was passed with 5 yeas.

Bob Foltz made a **motion** to move the PNC escrow accounts to People's Bank, Pete Socks seconded. The motion was passed with 5 yeas.

CORRESPONDENCE

LATE SEWER LETTER – A letter was received requesting a payment arrangement for an overdue sewer account. Fred Nugent made the **motion** not to accept the arrangement offer, seconded by Barry Cockley. The motion was passed with 5 years.

RIGHT-TO-KNOW REQUEST – A request was submitted by Hamilton Township for confirmation that health insurance for Berwick Township employees was switched from Benecon to Geisinger Health. The Township Secretary will send a confirmation email.

COMPLAINT LETTER – Supervisor Nugent responded to the correspondence received by Tom Danner by explaining the Sunshine Act. Resolution 07-27, which was passed by the Berwick Township Supervisors in January 2007, was presented.

UNFINISHED BUSINESS

QUOTES TO FIX PUMP STATION #3 – Supervisor Foltz gave a summary of the quotes that were received to repair the collapsing pump station. The matter was discussed with the Solicitor in Executive Session. Fred Nugent made the **motion** that the two separate price quotes be accepted to become separate costs, labor cost and a cost for installing the liner, seconded by Bob Foltz. The motion is passed with 5 years.

RIGHTS TO PENSION BENEFITS – There was a discussion regarding the rights to pension benefits for a former employee. The vesting had been changed to one year in 1998 and the employee was hired before it was changed to five years of service by the current Board. Supervisor Nugent stated that the Township cannot deny a benefit to an employee that two of the Supervisors from 1998 gave to themselves as Township employees. The employee should be grandfathered-in since she was hired when the vesting was only one year. Fred Nugent made the **motion** that Ms. Graham be eligible for pension benefits based on her one year of service, seconded by Earle Black. The motion was passed with 4 years, Bob Foltz voted nay.

VILLA VISTA SIGHT DISTANCE – Supervisor Foltz stated that there is 268 feet to Oak Hill Drive.

KINNEMAN HOLDINGS – There was a conversation regarding the progress of work on the project and the absence of an escrow account.

NEW BUSINESS

REVIEW OF RESOLUTIONS 07-27 AND THE SUNSHINE ACT – Supervisor Nugent gave a summary of the Resolution and the fact that a Citizen's Comment section on the Agenda is limited to 15 minutes as per the Resolution and should be limited to current events. He stated that the comments should not be disruptive to the Board Meeting. There was a discussion regarding the presented information.

STONES FROM THE RAIN RUN-OFF – Supervisor Black inquired whether the road crew would be cleaning the stones that have run into the streets or will the citizens be required to clean the stones up if they came from their property. The Roadmaster suggested that the citizens should be responsible to clean up the stones from their property.

CODE ENFORCEMENT/PERMIT REPORT

CODE ENFORCEMENT REPORT for July 2013 – A review of the Code Enforcement Report was given by Mike Hartman. There was a discussion of imposing fines via an amended ordinance. The Code Enforcement Officer will review the Ordinances for actions that could be fined under the amended ordinance.

PERMIT REPORT for July 2013 – There was only one permit issued in the month of July.

An explanation was given of the organization of the land development plans with the assistance of the temporary summer employees.

SOLICITOR'S REPORT

LINCOLN SPEEDWAY – There was a discussion of the drafted proposal for on-going zoning issues. Pete Socks made a **motion** to send the letter, seconded by Barry Cockley. The motion was passed with 3 yeas. Earle Black and Fred Nugent voted nay.

EARP – There was a discussion in Executive Session regarding a lawsuit that was filed by an inmate against EARP. Fred Nugent made the **motion** to contact John Wolf, Solicitor for EARP, seconded by Bob Foltz. The motion was passed with 5 yeas.

O'BRIEN RIGHT-OF-WAY – The matter was discussed in Executive Session. Bob Foltz made the motion to file a declaratory judgment action against the owner, seconded by Fred Nugent. The motion is passed with 4 yeas. Supervisor Socks abstained due to having family connections.

EXECUTIVE SESSION

There was an Executive Session from 7:56 – 8:41 p.m. to discuss legal issues.

CITIZENS COMMENTS

Tom Danner inquired about whether the comments from Supervisor Nugent regarding the Sunshine Law and the 1998 pension issue will be entered into the Minutes. It was explained that the Minutes are intended to be a summary of the proceedings and not a detailed account of the discussions.

QUESTIONS FROM THE PRESS

ADJOURNMENT

Pete Socks made the **motion** to adjourn at 8:59 p.m., seconded by Barry Cockley. The motion was carried.

Respectfully submitted:

Karen Eakin
Township Secretary