

April 4, 2011

The monthly meeting was called to order by Chairman White at 7 PM. A salute to the flag was recited. This meeting was recorded. In attendance were: Supervisors Randy White, Ernest Reich and Glenn Shupp, Judy Gingham, secy., Ken White, road master, Patrolman Robert Reimiller, Robert Baker Wyo. Co. Press, and see attached list of residents.

Due to the number of Fox Road residents attending the meeting, Chairman White opened the meeting to Old Business of Fox Road Concerns. Charlotte Kingston spoke on behalf of the residents of Fox Road. They have some concerns about David Karp purposed use of his property as a water withdrawal site and asked what the status of project is. Their list of concerns are: the narrowness of the road for large trucks and school bus to pass, the number of trucks using the road, the noise of idling large trucks and the harm to the creek. Spur Road that leads off Rt. 6 to Fox Road has a small historical stone bridge that would be damaged by the heavy trucks.

Ken White, road master, spoke on behalf of the twp. He tried to address the questions that Mrs. Kingston has submitted to the Board prior to the meeting.

Mr. Karp is still in the permit process with Susquehanna River Basin Commission and is currently in technical review. Without zoning, the township and the county planning cannot regulate that type of activity. Twp has bonding and excess maintenance agreement requirements for any road damage. Mr. Karp would be responsible for repairing any road and bridge damage. Twp is researching the option of making Spur Road a one way road so the heavy loaded trucks could not travel on the stone bridge. There will only be a limited number of trucks, 2 to 3, on site at any one time per hour from approx 6 AM to 9 PM = 32 to 35 trucks a day. Mr. Karp said he would try to schedule trucks around school bus time. The SRBC will monitor the creek for water levels and effects on the creek. As Mr. Karp's property is on the opposite side the creek, his would like to use a twp drainage pipe under the road to place his hose to the creek. The pipe isn't a major drainage area. This is still under discussion. A time of discussion followed with other residents posing questions and voicing their concerns. Mr. Karp is willing to meet with them to review their concerns.

Most of the Fox Road residents left the meeting at 7:40 PM. Chairman White turned the meeting back to the listed agenda items.

The March 7<sup>th</sup> minutes were presented. A motion to approve the minutes as written was made by Shupp, second by Reich with White in agreement.

The outstanding invoices were reviewed. An Order To Pay was made by Shupp, second by Reich with White in agreement.

March Financial Report was distributed to the Board. (report on file) Balances as of 3/31 in accounts for general use: Gen. Funds – Peoples Checking \$44,453.36 - PLGIT Savings \$ 137,599.72– Peoples Saving Acct. -\$175,548.98 State Fd. - PLGIT \$70282.45 and Park Fd. – PLGIT \$7,517.35 – Peoples Park Fd. \$4,307.42.

Requisition Slips – Police requested the purchase of their annual ammunition allowance and road flares. Board granted approval.

Ken White asked the Board to consider purchasing a larger pavement saw. He has received 3 quotes for a new unit, from \$6,000 to \$18,500. There is a used saw in Lake Winola, the same as the \$18,500 for \$3,000 - 65 HP 36" blade with only 800 hrs on it. It is all automatic. To rent a unit it's \$375 a day and \$1,200 per week. A motion to purchase the used saw from Mr. Rood, was made by White, second by Reich with Shupp in agreement.

Road Dept. Report – Ken White gave the monthly activities as plowing snow and fixing potholes. Storage Mixing shed - the back wall has buckled and needs repairing. The Board approved the project. The Yard Waste Recycling area is getting full of debris. Jim Benson is willing to bring his tub grinder down to chop it up and he will take the mulch as payment.

Police Dept. Report – Patrolman Roberts Reimiller gave the monthly activity report. (report on file).

Park Report – Ken White reported on the flood damage to the road to the green pavilion. As there wasn't enough flood damage, the twp couldn't declare a state of disaster to submit for funding. The Conservation District viewed the site and offered some suggestions for repairs. Dave Gabriel offered a proposal for labor and equipment at a cost of \$3,900 with the twp supplying the stone material. This would also include cleaning up the handicap fishing access. A motion to hire Dave Gabriel was made by White, second by Shupp with Reich in agreement.

Cresswell repaired the damage pump in the well house. As the electricity wasn't working in the well house, they could not verify that all the repairs were made. When the power was restored additional leaks were found and they came back to finish the repairs.

Rotary Club would like to erect a 36" X 40" sign in the gazebo area recognizing the sponsors of the electrical upgrade project from last year. They will acquire all the necessary permits. A motion to allow the erection of the sign was made by White, second by Shupp with Reich in agreement.

White reported that the school had completed 10 picnic tables for the park and they're ready to be picked up.

Representatives from the Antique Tractor show asked if the twp would allow their members to come in and camp a day early for the event in July. The board agreed to allow them to come but their insurance must cover that extra day.

#### OLD BUSINESS

Petras – Flood Gage Station – Mrs. Petras reported to the secy. they have been notified that the gage station will stay open for this year through funding by DEP.

Fox Road was addressed earlier in the meeting.

EMC Insurance – settlement – A check in the amount of \$293.14 was received as a restitution towards the twp.'s \$1,000 deductible for the damage to the light pole in Sept. 2010. This will close out the claim.

#### NEW BUSINESS

Dirt & Gravel Road Grant – Bardwell Rd. – Reimbursement was received in the amount of \$3,832.10 for the completed project in 2010. Another round of grants will be available in shortly.

2011 State Liquid Fuel allotment was received by direct deposit on April 1<sup>st</sup> in the amount of \$153,314.83. That is about \$3,500 more than 2010.

Sign Permit – Congressman Tom Marino submitted an application to install a sign on property owned by Richard Lawson on W. Tioga St. The current sign ordinance allows only one sign per property unless they are stacked. Ken White has been talking with the parties to find a solution. The Board denied the application as submitted. If a solution is found and a new application is received, the board agreed to issue a permit without waiting until the next meeting.

Pension Plans 2008-2009 – an audit report was received which states that the twp has followed and fulfilled all the pension plans and audit requirements.

Retnew – Barziloski – Water Withdrawal – notice was received of the intent of Chesapeake Appalachia, LLC to apply for approval from the SRBC to establish a water withdrawal site on Barziloski property off SR 92 S. for the Susquehanna River. Comments are to be sent with 30 days to SRBC.

UMH Properties Inc. is giving notice of the request for a renewal of the discharge permit for the sewage plant at Oakwood Lake Mobile Home Park. Comments are to be sent with 30 days to DEP.

Seller Permit – Ma Greenley BBQ Renewal – The Board granted a renewal for 90 days.

Wyoming County District Attorney sent a letter notifying the twp of the growing concerns in the use of “Bath Salts” as a drug. They have asked most stores to refrain from selling this product. He included a copy of an ordinance adopted by Hazelton, banning bath salts, to use as a reference if the twp is considering banning the substance. The Board will review the matter with the solicitor.

Facet Cycling LLC is requesting a letter addressed to Penn Dot concerning a bike rally in the Lake Carey area. The letter should include that the twp is aware that part of the course is in the twp and there are no concerns. A motion to draft a letter was made by Shupp, second by Reich with White in agreement.

State Convention for Twp Officials will be held in Hershey on April 17<sup>th</sup> to 20<sup>th</sup>. Glenn Shupp will attend as the voting delegate. Also attending is Judy Gingher and Ken White. The twp office will be closed for those 3 days.

State Liquid Fuels Audit for the years of 2009 and 2010 will be conducted on April 7<sup>th</sup>.

#### CORRESPONDANCE

Dirt & Gravel Road Training will be held on Apr. 5<sup>th</sup> & 6<sup>th</sup> in Springville, Ken White will attend to get recertified.

Northern Tier Annual Meeting will be held on Apr. 29<sup>th</sup> in Montrose.

Natural Gas Summit will be held on May 18<sup>th</sup> in Wysox.

#### OPEN TO THE FLOOR

Bob Baker asked when the board reconvenes, after executive session and conducts additional business, to please call him. The secy. will make the call.

Joanne Fiorito mentioned several items: the pipe line employees trespassed on her property and she is planning on getting a restraining order. She feels the pipe line is threatening her quality of life. Other issues concerning water quality and orphans wells. She offered to the Board a copy of a news article about the taxing of royalty paid to the property owners. As she has been solicited by gas and pipeline companies, shouldn't they be subject to the solicitation permit ordinance? White will check with the twp. solicitor. She also voiced her concerns about their vehicles being unmarked, parking on people property and no identification badges. Road issues such as potholes on SR1001 and D&C Fuel trucks using Brookside Rd and bonding.

Alex Jervis, Miller Road, mentioned his neighbor is parking her horse trailer on the road. Secy. reply that she did ask permission to park it there until another site can be prepared. He asked the status of a large animal ordinance. No action has been taken.

Dick Daniels wanted to let the Board know of a 5K & 10 K run to be held at Lake Carey on July 30<sup>th</sup>. Some of the course will take place in the Twp.

Chris Ziemba asked if the Board is considering zoning again. The Board has been discussing the matter.

Bob Baker mentioned he had received a copy of a letter from DEP to the Twp concerning an order to proceed with the Act 537 Plan Update Study. White replied that it was just received and will discuss in executive session. Shupp would like to discuss it now as the twp needs to take action immediately due to some issues in the Order. Shupp had talked to the solicitor and a suggestion was made to hire another atty. that deals with septic issues. Shupp made a motion to hire a specialized atty., some of the audience had questions before the vote. A long discussion followed. Why some private letters sent to DEP last fall were not answered. Due to the time line in the Order, an appeal will have to be filed quickly. Shupp again made the motion to hire a specialized atty. Reich second the motion with the amendment to include filing an appeal. White voting no. Motion carried with amendment.

Another discussion followed as to: who would pay the cost of the atty. – Shupp replied Tunk Twp. White disagreed as Lemon has not paid any expenses to date. Lemon should pay for the atty. White requested that the minutes include his statement: the Boards responsibility is to our residents not to benefit theirs (LemonTwp) and they already have benefitted.

Questions as: Does Lemon Twp have a current 537 Plan, what if both twp can't agree what happens and and a formal contract should be drafted between both twps., the accuracy of the surveys that were to be included in the study were discussed.

Alex Jervis mentioned his stolen quads in 2009 and was wondering about the status of the case. He has not received any information. Patrolman Reimiller responded to his question and suggested he call the office tom.

The meeting was recessed to executive session at ??????. In attendance were the Board, Judy Gingher, secy. and Ken White.

The meeting reconvened at ??????. A motion to adjourn at ?????? was made by ?????

April 7, 2011

An executive session was held at 6:15 PM. In attendance were Randy White, Ernest Reich, (Glenn Shupp was absent due to illness) Judy Gingher, secy. and Atty. Paul Litwin. The purpose of this meeting was to review DEP Order Mandate for the Act 537 Update Study Plan.

April 18, 2011

Meeting was called to order by Chairman Randy White at 7:00 PM. The salute to the flag was recited. In attendance were supervisors Chairman Randy White and Vice Chairman Ernie Reich, Bridget White and Phil Cable. Supervisor Glenn Shupp and Judy Gingher, secy. were attending the State Convention in Hershey. In Gingher absences, Bridget White was appointed to take the minutes.

Phil Cable discussed Bike Race which will be held in Lemon and Tunkhannock Townships, Sunday May 29<sup>th</sup>, 2011. A map of the course is attached to the meeting minutes. Randy will discuss police protection with Chief Ely and they will come up with an action plan. A certificate of Liability Insurance was presented to the Township. A motion was made by Chairman Randy White for the use of Township roads as long as Phil takes care of staffing volunteers at main intersections. Ernie second the motion.

Lazy Brook Park:

- A motion was made by Chairman White to hire Thomas Daniels, Ernie second the motion. As this is the second year for Thomas he will earn an additional .25 per hour, as per pay schedule set by supervisors
- A motion was made by Chairman Randy White to name Reece Ayers as Park Foreman, Ernie second the motion.
- A motion was made by Chairman Randy White to establish a chain of command that is uniform with other departments in the Township (i.e., police and road dept). It is understood in this motion that the head of the Department is to report to the Board of Supervisors monthly. Ernie second this motion.
- As per a previous motion any action at the Park needs to come before the Board of Supervisor for approval.

Act 537 Update:

A joint executive session was held on April 11<sup>th</sup> at 7:30 PM at Atty. Davis office with Lemon Township Supervisors and their solicitor, Jim Davis and Tunkhannock Township Supervisors ( Glenn Shupp was absent), Twp. solicitor ,Paul Litwin and Judy Gingher, twp. secy. Paul Litwin mandated Lemon Township to bare the remainder of the financial responsibility of completing the Act 537 Study. Paul is gathering information from Harley Davis and Milnes Engineering on the time line of completing the Study. Paul will be drawing up an agreement for both Townships that delineate the responsibilities of both

Townships. Paul is asking for a continuation from DEP, as we had questions on the content and time frame of the order.

Sign Ordinance:

Chairman Randy White made a motion amending Ordinance # 173-2002 (regulating the establishment signs). The amendment includes size of freestanding signs and the number of freestanding signs allowed on a single property. The legal notice for Ordinance # 11-2011 will be advertised for review and comment. Tentative adoption date on May 2, 2011 at the Board of Supervisors meeting. Ernie second the motion.

Ed Morristell:

Ed's Father passed away on Saturday April 16, 2011. Chairman White made a motion to make a donation for \$50 to the Griffin Pond Animal Shelter, 967 Griffin Pond Road, South Abington TWP PA 18411. As per the request of the Family. Ernie second the motion.

Hollow Crest Clear Cut:

A motion was made by Chairman Randy White for the Clear Cutting of Hollow Crest Road by Browns Tree Service (Brian Salidan) this is a three day project, for the cost of \$3,500. Ernie second the motion.

A motion was made by Vice Chairman Ernie Reich to pay the outstand bills. Second by Randy White.

A motion was made by Chairman Randy White to adjourn the meeting at 7:55. Second by Ernie.

Respectfully Submitted,

Bridget White