

**POINT TOWNSHIP SUPERVISORS
REGULAR SUPERVISORS MEETING
TUESDAY, APRIL 14, 2020**

The Point Township Board of Supervisors held their regularly scheduled meeting on the above date which was duly advertised and held electronically through GoToMeeting via telephone and video conference. Present were: Chairman Randall W. Yoxheimer, Vice-Chairman Montie E. Peters, Supervisor James A. Neitz, Sr., Supervisor Joseph Stender, and Supervisor George Geise. Also, present were Solicitor Richard J. Shoch, Police Chief Joshua VanKirk, SEO/ZEO Gene Powlus, Roadmaster Jared Wehry, Secretary/Treasurer Amanda McClain and Office Clerk Amy Hoffman.

Visitors present were: Earl & Karen Persing, Dean Dunkelberger, Joy Christian, Randy & Christy Persing, Scott Hoffman, Frances Ranck, Richard & Christine Updegraff, John Eisenhower, and Michele Cope

Shoch since this is not our normal meeting format, mentioned some helpful tips while on conference. There will be an opportunity at the beginning of the meeting for the public to make comments on agenda items only, then other concerns can be brought up at the end under general public comments. Another thing to be addressed due to some calls the township received today, apparently there was some information that was put out on social media regarding the topic of some of the hires that were being anticipated on being discussed and possibly voted on at this meeting. The calls came in from people who were acquaintances with some of the people who applied. They were very upset by what they felt to be potentially slanderous or defamatory statements that were being made and being propagated out on a Facebook group, or something along those lines. What I stated to them, that from a Township standpoint (*this meeting is being recorded for purposes of the minutes*), we want it put on the record that when the township discusses personnel matters, regarding hiring someone, why we would or would not hire someone, is done in an executive session. The board as a body has taken the appropriate steps to ensure that there can be free discussion but not in a forum that was more broadly available to the public. The reason for that is because under the Sunshine Law they allow boards to do that, specifically for the purpose of avoiding liability and things like that, if someone makes a comment that could in another context be considered, perhaps, defamatory, that they can at least feel free to give their own opinions and maybe things that they hear. They do it in that forum to shield the township, and ultimately the taxpayers from potential suits brought by someone. I think some of the people were suspicious, that the way the information out there was stated, it was from a board member. If an individual would have chosen to put that out to the public and now that is in a chain of dissemination, the Chairman has asked me to make it very clear that is not an act of Point Township. The Township as a board handled this in the appropriate fashion. If an individual has done that, we cannot control that. There were at least two calls that came in, that I am aware of, regarding different individuals that were part of the application process. People need to be aware, that if someone brings an action for liable or slander, the Township's position will be that if there was information that went out from someone that would have been privy to those discussions, we would be naming them as an additional defendant, to have any liabilities that

would come to the township and the taxpayers, they would seek indemnification from that individual because they acted alone, they did not act in the capacity of an official of the township. Advised those on the call that would be speaking to this matter, that it is being recorded, and anything said will be discoverable in an action and should be aware of that. Freedom of speech is not freedom without consequence.

C. Persing asked if it would be appropriate for her to address her concerns with what was just mentioned.

Shoch I will hand the meeting over to the Chairman and once we get to the appropriate spot on the agenda, then you can speak about your concerns.

Chairman **Yoxheimer** welcomed the residents to the Supervisors meeting. Please state your name if you would like to make any comments.

Executive Session: *Was held on Monday 4/13/2020 via conference call from 6:30 until approx. 6:55 to discuss personnel issues*

Public Comments on Agenda items only

C. Persing was one of the people that called the office today to express concerns about what I saw on social media. I do not know both applicants for the road crew position, but I do know one of them. I was extremely distressed that personnel information would have been posted on a public forum. Personnel information is supposed to be private and only in the hands of those doing the hiring. Secondly, the way the email was posted, the wording lends itself to be defamatory and bordering on slander, and I am citing comments specifically about character flaws of the applicants and hiring from the bottom of the barrel, lends itself to everybody's minds just running wild with what did these people do. I am concerned with anyone that was in the executive meeting would have taken that information out of the meeting. I understand Shoch's position that it would not be the Township who would be in trouble for this, but the person who took that information and disseminated it to other people in that manner, that person needs to be made aware that his actions could result in charges being filed. I know one of the applicants is considering that, and I do not want to see taxpayer money being wasted on something like this, that should have been kept at a professional level. So hopefully moving forward, people will continue to conduct themselves in a manner that we expect from those that we elect. This is a sad thing that happened, not only to the applicants, but to the person who is still working on the road crew, because there were some very negative things said about that person also.

Yoxheimer thanked Christy for her comments. Wanted to make known, that this is not the usual way things happen in Point Township when it comes to information from executive session. I am not sure how or why it occurred here. The board is certainly aware of it, we are dismayed that it had to appear in this context.

Shoch I think I have explained our position with it. The board certainly does not sanction or authorize this as a board as a whole. Ultimately if it would be shown that this was information that was disclosed by a Township official, that they did that on their own, and the Township would be looking to shift any liability it would have to whoever that individual would be, if it does come out that that was the case, that an individual did disclose something from an executive session.

Approval of Minutes:

MOTION made by Peters to approve the minutes of the Regular Supervisors Meeting held on Tuesday, March 10, 2020 and the Emergency Meeting held March 31, 2020. Seconded by Neitz and passed unanimously.

Yoxheimer if there is a supervisor that dissents, we will take a roll call. The Emergency meeting was for the Supervisors to declare a State of Emergency.

REPORT: (Old & New Business included): *(No Report)*

Solicitor:

Shoch the update on the status of the appraisal for the small parcel that sits behind the township property, that the township was potentially looking to acquire. The fair market value on the appraisal was \$15,000. We would not pay more than that. There has been some discussion on the possibility of a trade for value on a piece of equipment that the current owner of the property may be interested in. We have to place that piece of equipment for auction, so we would take the money from the sale of that piece to purchase the land or use the piece of equipment toward the cost of the land.

Yoxheimer asked if anyone on the call had questions regarding this.

Frances Ranck it was stated that the parcel of land was in the back of the municipal building, is that correct? (**Yoxheimer**, *that is correct*) what is that going to be used for?

Yoxheimer you may be familiar with the Township being involved with a grant that we received to expand the municipal facilities, which would be a revamping of the existing township building. By expanding and putting up the new structure out back, it somewhat mandated we have some additional space for stone, pipe, and those types of materials. We reached out to Furmans who have a small parcel that connects to our property.

F. Ranck since I have been ill and haven't been to a lot of the township meetings, when was it decided to update or remodel or build on, has that been some time ago?

Yoxheimer it has been talked about at the township meetings for about the last year, we just received the grant from Culvers office within the last six months. To keep our meeting moving along, there is a lot of information on the township website regarding the building. If you have access to a computer, you can get on the townships website and it will explain a lot of the information about the building. I would encourage you to use that avenue, and if you have any further questions after that certainly feel free to call the Township or you can call me personally.

Right to know Requests: Lien searches Plus (rcvd 3/26, 30-day letter sent 3/27)

Shoch a request on a specific property if there were any fines against it and that sort of thing.

Secretary: *(No Report)*

Police Department: *(Report on File)*

VanKirk I cannot say business as usual; we have had to make some modifications with the health issues going on. We do have some substantially large cases our guys are working on. The guys are coming to work every day, staying healthy, using common sense to mitigate exposure.

Fire Department: *(No Report)*

Fire Police: *(No Report)*

McClain mentioned that Jason Roth picked up a form to be sworn in for Fire Police. Judge Diehl was able to do the swearing in for him.

EMA: *(No Report)*

Engineer: *(No Report)*

Yoxheimer all the activity we have had here over the last four or five months with multimodal grants, paving work outside of Furmans, stormwater grants and the stormwater system that was to be put out for bid in the Kapp Heights area, essentially everything is on hiatus right now. We did accept the bid from New Enterprise for the construction work on Cannery Road, according to our Engineer they have not

been given a waiver, so they are still on shut down. Asked Josh to speak about the bid for the township renovation if it was put out for bid.

VanKirk yes it was put out for bid. We had our first contact from the state consultant, we are properly out to bid. We should expect around the first of May to start getting some responses back. The bid was scaled, where there is the base bid, which includes three add alternates. The three add alternates are the front portico, the police garage, and the upgrading of the existing green pole building.

Road Department: *(Report on File)*

Wehry the loader has been listed on Municibid; the end date will be April 27th. Update on the PPL lights on Route 11, the lights are up.

Yoxheimer good news, went out shortly after they were put in, and they illuminate the road very nicely.

Wehry new hires: my recommendation is to hire John Savidge full time at the rate of \$15.00 an hour and changing Bob Recla's status from part-time to full-time at \$15.00 an hour.

Yoxheimer asked if the Board members had any discussion.

Geise I am going to vote no on both of those, the rates are excessively high for laborers.

Yoxheimer I am opening this up for discussion on the candidates themselves. Recla has been an employee of the Township. We did conduct interviews for the position, after last night's executive session, it was determined that Recla and Savidge would be proposed for the new full-time hires.

MOTION made by Yoxheimer to put these two (2) candidates up for full-time employment, conditioned upon a criminal background check. Seconded by Neitz, passed with a vote of four (4), with one (1) Nay from Supervisor Geise.

MOTION made by Yoxheimer that these two (2) candidates to be brought in at \$15.00 an hour. Seconded by Neitz, passed with a vote of four (4), with one (1) Nay from Supervisor Geise.

D. Updegraff are both gentlemen going to be full-time on the road crew now?

Yoxheimer yes, both will be full-time

D. Updegraff now that we have two other road employees, will Jared be promoted to Roadmaster?

Yoxheimer yes, Jared is the current Roadmaster for the Township.

McClain asked for a formal motion to be made naming Wehry as Roadmaster since his probation ended the beginning of April.

Shoch since it is not on the agenda, I would advise that we wait, and if the board wants to do that in a formal motion we wait until the next meeting.

Yoxheimer I think we will table this until May's meeting, with the ending of his probation period.

Geise he was appointed in the re-org meeting as Roadmaster, so as standing, he is the Roadmaster.

Sewage Enforcement Officer: *(No Report)*

Zoning Enforcement Officer: *(No Report)*

Powlus issued one (1) permit: 140 Cannery Road, Garage

Ordinance Enforcement Officer: *(No Report)*

Planning Commission: *(No Report)*

Yoxheimer River Run foods submitted a development plan, discussion with the township engineer was he advised the engineer for River Run to table his submission because of the County offices that this needs to go to, are closed. Todd Pysher requested that they give the Township a 90day extension on plan approval.

MOTION made by Yoxheimer to accept the plans for land development from River Run Foods. Seconded by Stender and passed unanimously.

Peters asked what River Run was attempting to do.

Yoxheimer I believe it is just an extension to their building, the disturbance will be such that it will require a land development plan for them to move forward. In most cases, any expansion on a commercial property, or designated in a commercial zone, needs to be accompanied with a land development plan.

Recreation: *(No Report)*

Wehry park is still closed.

Sewer Authority: *(No Report)*

Peters like most everything else, the sewer projects are on hiatus right now. No fines or penalties will be assessed against any of the rate payers in their inability to pay. Of course, the fees will still be owed, but the authority is not going to put more problems on top of the already existing problems.

Other Business:

General Public Comments-Resident Concerns:

John Eisenhower thanked **Wehry** for the work on the road in front of his place, great job!

Pay Bills:

MOTION made by **Peters** to pay bills. Seconded by **Stender** and passed unanimously.

Adjournment:

Meeting adjourned 8:10PM

All motions passed by roll call.

Executive Session

List of Communications: *(On File)*

Financial Reports:

Profit and Loss

Deposit Detail

Accounts Payable – Totaling – \$56,386.10

Respectfully submitted,

Amy Hoffman, Office Clerk

Amanda McClain, Secretary/Treasurer