

**POINT TOWNSHIP SUPERVISORS  
REGULAR SUPERVISORS MEETING  
TUESDAY, MAY 12, 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 (*arrived late*), Secretary/Treasurer Amanda McClain and Office Clerk Amy Hoffman.

Visitors present were: Earl & Karen Persing, Dean Dunkelberger, Richard & Christine Updegraff, John Eisenhower.

**Yoxheimer** called meeting to order at 7:05PM, welcomed everyone and informed them of executive session.

**Executive Session:** *Was held prior to the start of the meeting, from approximately 6:15 to 6:37 to discuss personnel issues.*

**Public Comments on Agenda items only**

**Approval of Minutes:**

**MOTION** made by Peters to approve the minutes of the Regular Supervisors Meeting held on Tuesday, April 14, 2020. Seconded by Stender and passed unanimously.

**REPORT: (Old & New Business included):**

**Solicitor:**

**-Resolution 2020-05: Shoch** explained Act 15, that the state passed was. This gives local municipalities the ability to provide some tax relief to citizens with the covid crisis. We had some discussion with County, and that if we did not do things in tandem with County, that it would cause confusion. County will be meeting tomorrow and will formally approve an extension of the Face Value date until September 30, 2020. This is what the Resolution states will also be for Point Township.

**MOTION** made by Yoxheimer to adopt Resolution 2020-05, Implement Act 15 of 2020's Property Tax Relief Provisions. Seconded by Peters and passed unanimously.

**-Furman Land/Deposit: Shoch** purchase agreement for the Furman ground behind the township building, 1.7 acres that abuts the township property. The purchase price would not exceed the appraised value of \$15,000. The purchase price of the land was negotiated at \$14,000, we are asking tonight for the board to ratify the agreement, the agreement states for \$500 to be paid upon Board approval, with the remaining monies paid at settlement.

**MOTION** made by Stender to move forward the purchase and to complete the purchase agreement for the Furman Land at a price of \$14,000, with an initial deposit of \$500. Seconded by Neitz and passed unanimously.

**-Sunoco Pipeline plan: Shoch** looking to do construction of another tank within the same facility, in their letter they indicated that Sunoco is taking the position, they will comply and file the forms they need to with the Conservation District in terms of erosion and sedimentation control, and would comply with anything we have regarding stormwater, they are taking the position that we lack the authority to require them to file a land development plan. We went through a review process in the past, every other time they have built on the tank farm or made changes and it was never questioned before. They just litigated a case in 2018, they are saying that as a public utility, only the PUC (public utility corporation) has the authority to regulate them in any way and the local municipalities have no authority. Will look into this more. *(Discussion ensued)*

**-Fact Finding Update: Shoch** this seems to be a similar list of people that were on at last months meeting and were aware of the information that was posted on social media. In the aftermath of that meeting, the Chairman asked me as the Solicitor to conduct an initial fact finding to see where that information may have come from. My contact will be directly with the chairman due to the nature of this. Some information we will be able to release to the public. Ultimately there will be a written report on this, the Chairman asked me to at least give an update on this. I sent a letter to each Supervisor, asking them to let me know if they had information regarding this, or if someone had inadvertently said something outside an executive session, I have not received any feed back from any of the Board members regarding this. We were able to obtain screen shots of what was out on social media, ultimately through reviewing the townships systems, we were able to identify that there was an email that went out from a township Supervisor, which was identical to the screen shots we had from the social media site. Unfortunately, Mr. Geise, that was from a township email that you have and use for township business. That is all the information we have at this time. I have talked to the Chairman to see what would be appropriate steps given the potential liability, I think we agree that at this point, that putting it to a vote of the board members, to have a vote to require the return of the laptops, so they can be reviewed, along with any pass words that you have to determine if there was anything else in Supervisor Geises possession that was created on those machines that puts the township in a chain of potential liability, on this or any other things that they are not aware of. There will be further review once we have full access to all those systems. That would be the recommendation to the board.

**Peters** do you want the laptops turned in so they can be analyzed?

**Shoch** yes, they are township property. I do not know, maybe Supervisor Geise can speak to this, if the email was created off one of the township laptops? It may or may not have been, but it was certainly issued from a township gmail account. All the township supervisors had those set up years ago for township business. We don't know if there were other statements, this just happened to be the one that found its way to social media. We want to see if it was done on one of those machines, and also to see if there are other similar statements or things like that, that may be a potential liability issue for the township.

**Yoxheimer** could you speak a little about potential for discovery on some of this if there would indeed be a suit, why we are asking for these.

**Shoch** for one, just to know what the potential extent of any liability may be, but also to be able to prepare for that and be able to give that, so we have that information and we can give it to our insurers if needed, if an action was brought. Right now, we don't know what the extent is.



**Yoxheimer** we are just looking to know what the extent of any liability would be in terms of a defamation suit, that is the intent of the township asking for this back, just to get some sense of what the extent of this is. Asked Geise if he wanted to make any comments before they vote on the return of the laptops?

**Geise** nope

**Yoxheimer** George, would it be possible if we set a time frame of tomorrow at lunch time for you to bring the laptop to the township?

**Geise** I do not know if I can do it by lunch, but should be able to by the afternoon.

**Shoch** advised Geise not to alter anything on the laptop.

**Yoxheimer** verified with Geise the number of laptops he had. Is it one (1) for EMA and one (1) for supervisor?

**Geise** No, it is only one (1) laptop.

**MOTION** made by Yoxheimer to have Geise return the township issued laptop to the Township no later than 3PM Wednesday, May 13, 2020. Seconded by Peters. Roll call vote: Yoxheimer, yes; Peters, yes; Neitz, yes; Stender, yes; Geise, yes.

**Peters** asked who would be analyzing the laptop? **Shoch** will contact someone he knows who the County has used in the past.

**Right to know Requests:** *(None)*

**Secretary:** *(No Report)*

**-Conservation District/Saplings: McClain** conservation reached out to us regarding a canceled earth day event that resulted in tree saplings not being able to be disbursed and if we had interest in dispersing some to our residents. We got around 200 saplings, this was posted on the township website for residents to call in and request some, we had received no calls until we posted something on Facebook. We disbursed all saplings to township residents. The conservation district will reach out to us again next year.

**-US Census Bureau: McClain** received an email that Point Township passed 70% response rate for the Census.

**Police Department:** *(Report on File)*

**VanKirk** I was contacted by Jason Roth about Fire Police uniforms. A member of Fire Police needs to be a member of one of the Township Fire Companies, the fire company Chief then nominates them to be Fire Police, then once they get sworn in and approved by the township, they still fall under the Fire Chief 90% of the time, the only exception is when they are out doing any type of public road passage direction, i.e. crash scenes, then they fall under the control of the Police Chief. All of our new members need uniforms, my recommendation at this point so they are not looking like our Police Officers, the function of the Fire Police, is to help direct traffic. Putting them in basically black clothing, is not a good idea when they could be direct traffic at 2AM. I think now that they need new uniforms, now would be a good time to get them out of the police uniform, and my recommendation would be into some type of high-visibility attire.

**Yoxheimer** asked who regulates the Fire Police.

**Geise** the Fire Police really regulate themselves; they fall underneath the Fire Department. We don't really get involved with it unless they need us to.

**VanKirk** the code is written that the Fire Captain is the head of their organization, who organizes all of their functions. Will leave the information he has gathered on uniforms in the Fire Chief mailbox.

**-Bid for 2014 Ford Taurus**

**VanKirk** we received one bid from Yousef Dabbagh for \$768. We had a minimum posted on the advertisement for \$2000. My recommendation is to reject the bid and place it on Municibid.

**MOTION** made by Peters to reject the bid for the Taurus. Seconded by Neitz and passed unanimously.

**MOTION** made by Peters to allow the Chief to place the 2014 Taurus on Municibid. Seconded by Neitz and passed unanimously.

**VanKirk** as things start opening back up, I will probably get started on the build for the new police cruiser next week.

**Fire Department:** *(No Report)*

**Fire Police:** *(No Report)*

**EMA:** *(No Report)*

**Engineer:** *(No Report)*

**Yoxheimer** things are very busy. The Multimodal Project started. Some minor issues. One was a pipe issue, in the process of them grinding the road, they ripped into the pipe. So, a pipe we weren't necessarily going to replace, it would make no sense not to now.

**Road Department**

**Yoxheimer** asked if Wehry was in attendance?

**McClain** no, he is still out working on the road.

**Yoxheimer** the old case loader was placed on Municibid and winning bid came in at \$13,900.

Paving project is moving forward

Our new hire, Robert Recla, was hired on the road crew at \$15 an hour. If he were to take health care through the township, the township would pay \$600 a month for Bob alone, and \$300 a month for his wife, times twelve, would be \$10,800, plus the \$4,000 in HSA monies, for a total of \$14,800. Bob is willing to forgo that and stay on his wife's policy. With him being willing to do this, I would like to offer him an additional dollar an hour. If we do this, by him not taking the health care, this is still a significant savings to the township.

**MOTION** made by Peters to increase Recla's pay from \$15 an hour to \$16 an hour and a formal letter from the Solicitor. Seconded by Stender and passed with a vote of four (4) with one (1) Nay-Geise.

**Yoxheimer** will have the Solicitor draw up a letter for Recla to sign stating he is forgoing the insurance and the HSA from the Township.

**-Kyle Bettlyon per diem**

**Yoxheimer** a situation we had come up today, was where we needed a second equipment operator, our new hires don't have that training yet. Eventually they will have that training, but as of right now we need another operator. I called Karl Bettlyon and asked if he would have any availability, he said he did not with working a full-time job. He recommended his son Kyle. My recommendation is we hire Kyle on an as needed basis with an hourly rate of \$20.

**MOTION** made by Yoxheimer to hire Kyle Bettlyon at \$20 an hour on a part time, per diem basis, with no benefits. Seconded by Peters and passed with a vote of four (4), with one (1) Nay-Geise.

**Sewage Enforcement Officer:** *(No Report)*

**Zoning Enforcement Officer:** *(No Report)*

**Powlus** issued two (2) permit: 251 Gibbons Road, Pole Barn  
125 Terrace Street, Fence

**Ordinance Enforcement Officer:** *(No Report)*

**Planning Commission:** *(No Report)*

**Yoxheimer** we accepted River Run Foods at the last meeting, received a 60-day extension as well



**McClain** County has already signed the plans as well.

**Yoxheimer** we need to accept plans for the Propane Transload Station, where the old rest stop used to be. We did put a request in to PennDOT that the passing lane before the Station be closed with trucks turning in there, we haven't heard back from them yet.

**MOTION** made by Yoxheimer to accept plans for the Propane Transload Development; Colescott Minor Subdivision on Hookies Grove Road; and Furman Foods Minor Subdivision. Seconded by Neitz and passed unanimously.

**Recreation:** *(No Report)*

**-Park open/facilities closed/vandalism**

**McClain** the gate is open for people to access if it meets CDC recommendations. The facilities themselves are closed due to the recent vandalism we had, concession stand and press box doors were kicked in. John Derr sent emails out, stating the park was closed to organized sports teams until further notice. There will be an inspection of the concession stand before that is able to open.

**Yoxheimer** asked about the Y using the park for their day camp.

**McClain** we did reach out to them, and they are considered essential and will have some type of day camp but are not sure if they will be able to bring the kids to the park.

**Sewer Authority:** *(No Report)*

**Other Business:**

**VanKirk** gave update on the bids for the building renovations. One came in just over what our budget was, some came in over two million. When we left the bid opening, we talked to the architect about going back to the low bidder about different options that we could do to get within our budget. To have a quality project, I think we are looking at 1.2 million, which would be \$400,000 of actual tax money. Which is a third of the total cost of what we would be responsible for. My recommendation at this point is to not take any action, do not accept or reject any bids at this point. See if anyone will have problems if we award the bid to the lowest bidder and did some engineering cost options to get this reduced down within our project goals. I think we should pause and do some research on this.

**Yoxheimer** when we opened these bids, I think we were all a little shocked. One came in at 1.326 million, and the highest was 2.2 million.

**MOTION** made by Yoxheimer to table any action on the bids for the building renovations. Seconded by Peters and passed unanimously.

**D.Updegraff** agrees that you are doing the right thing, I wouldn't do anything right now. A lot of projects that were queued for construction companies, to keep them busy may not happen.

**Peters** we have had some discussion, we have had two employees leave and have not returned their remaining HSA (health savings account) monies to date, that I am aware of. Has that situation been resolved?

**Yoxheimer** I do not think it has. Said that the board had asked the Solicitor to address that a month or two ago. What do you have to report back to us?

**Shoch** there has not been any response indicating that they plan on paying it back. A program was developed in order for the township to get better rates on its health care insurance, it's a lower premium plan, with higher deductibles. There are higher deductibles, but you set up this Health Savings Account (HSA) for the employees. The township would fund the HSA with \$2,000 for an individual and \$4,000 for a family, at the end of the year, the employee would turn in a statement showing what money was spent that year and appropriate funds based on that would be placed back into the HSA. In the past, when employees have left, they have been required to return what was incurred in that account. Even



before I sent the letter for return of funds to these two employees, there were emails and texts sent to them through the secretary's office. Through those correspondences, one or both of them felt that they would incur a tax penalty. We checked with Northumberland National Bank, and they indicated that no, that was not the case. I had indicated in my letter to them, that if there was any type of tax penalty and they could show proof of that, that the township would reimburse them for what that was.

**Peters** was this the same money that Laura Hynoski turned back in?

**VanKirk** yes, she did submit it back. Whatever is in that bank account when they depart from the township is what they return. We have record of what she returned.

**Shoch** the only feedback I received from a representative of one of the employees, was they were taking the position that it was never understood that was to be paid back, even though every year these employees submitted their statements and so forth to account for how the money was spent, that they could just keep the money as a benefit. I was asked if you could pursue any type of legal action to get this back. In the crimes code, there is the ability to pursue this. Regarding a civil action, that would require a vote from the board. There are costs with litigation that you don't necessarily get back. The way it was rolled out to the township employees was to show an accounting of how the money was spent and if the employee left the township, they would return the remaining money.

**Eisenhower** verified \$4,000 was put into an HSA, which was taxpayer money, correct? (**Shoch** yes) and there is supposed to be accountability as to what they spent it on, correct (**Shoch** correct).

**Shoch** it was done this way, that each employee set up their own account so there wouldn't be any HIPAA concerns.

**Yoxheimer** the review of the way the money was spent was done by the department heads, the Chief would review his officers, the roadmaster for his crew, and the Secretary, her department.

**McClain** correct, at the end of the year they were made to show bank statements as well as receipts. The receipts did not have to have any detrimental information on them.

**Eisenhower** did you get receipts? Was the accountability there?

**McClain** with those two individuals, I have received nothing for last year.

**Eisenhower** so those two individuals left the township with \$4,000 bonus of taxpayer money, correct?

**McClain** in their eyes yes, in my eyes no, they owe that money back to the township.

**Eisenhower** yes, exactly. I agree 100%. I live in the township, I pay taxes in this township, part of that is my money. I want to know who those individuals are.

**Shoch** what I have advised the board is that I don't know at this stage we want to disclose that. If there is an action that is pursued, obviously the names of the individuals will be part of the that action.

**D.Updegraff** are they an elected position or a hired position?

**Shoch** it was in the capacity as employees.

**Eisenhower** I feel there needs to be accountability here and this money needs to be paid back, this is taxpayers' money. Or show accounting that they spent it on medical.

*(Discussion ensued)*

**Peters & Yoxheimer** asked the Solicitor what the next step would be.

**Shoch** since this wasn't on the agenda, give me an opportunity to look into this and it can maybe be revisited next month. If the board members want to decide on it, or if other board members want to give their opinion on it then.

**Peters** I think we need to give the Solicitor time to investigate the criminal side of this and then make a recommendation to the board.

**Yoxheimer** I think this is a taxpayer issue and if we didn't do our due diligence and at least address it, then we as a board are not doing what we can to manage taxpayer's money.

**Dunkelberger** is there a written policy on your HSA?



**Shoch** there is now because of this issue. The past practice was that everybody understood that was one of the things that would be returned to the township upon leaving. Everyone submitted to the annual accounting of how the money was spent from their HSA accounts. I will look into the criminal statutes and then report to the board next month.

**MOTION** made by Yoxheimer to have the Solicitor continue to investigate the HSA issue and to report back with what he thinks the appropriate action should be as far as recovery should be. Seconded by Peters and passed unanimously.

**Dunkelberger** what would the cost be to the township to recoup this money?

**Yoxheimer** yes, that is a point the Solicitor made earlier, I think as a board of Supervisors we have the responsibility to at least investigate what our options are to the point we know what decisions we can make.

**Shoch** since this is taxpayer money, you want the board to vote and make the decision on this.

**General Public Comments-Resident Concerns:**

**Eisenhower** I have a comment/concern, on two different occasions in the past couple weeks, I have had people in front of my house stop and take pictures of my house, my driveway, my neighbors house and his driveway. It was one of the Supervisors, George. Why was George taking pictures of the front of my house and my driveway, was he stalking me? George, I want an answer. You got caught George.

**Geise** I didn't get caught, I talked to you John right in your driveway and I explained to you what I was doing.

**Eisenhower** no you didn't, you kept rolling. What were you taking pictures for?

**Geise** to refresh your memory John, I took pictures of the road work that was done in front of your house.

**Eisenhower** what was wrong, why were you doing that?

**Geise** why do you assume there was anything wrong?

**Eisenhower** I don't like people taking pictures of my house without talking to me.

**Geise** I wasn't taking pictures of your house, I was taking pictures of the work that was done on your driveway.

**Eisenhower** about two weeks later after you were there, a late model Nissan Ultima comes up the street and again took pictures again, the same thing, the driveway, the house, I called the police. Why, isn't that the roadmasters responsibility, are you trying to get something on him. I'll tell you what, that man is almost out until dark tonight fixing roads. He did a fantastic job on my driveway, my neighbors. What are you trying to get on him, it seems like you are trying to get something on him? What is it George, I want to know? Answer me. I'm calling you out George.

**Geise** I'm not going to dignify that with an answer. I was merely taking pictures of the work that was done on the roadway. Possibly on private property.

**Eisenhower** so you think Jared was doing work on private property?

**Geise** I'm not so sure where the property line was, but that's possible.

**Eisenhower** the property line goes about six feet back into my grass.

**Geise** one other thing I used to do as a roadmaster, was not do what Jared is doing, and was correct to do, and that was pave the end of people's driveways. I think that is absolute irresponsible expensive of taxpayer's money. And that's what was happening there, he paved the end of your driveway. That's what I was taking pictures of.

**Eisenhower** if something would have been done in the five years when you were there to these roads, the base wouldn't be gone the way it is, we wouldn't be worried about driveways. I've lived in the

township for forty years. I can't tell you how many times over the years when Jimmy was roadmaster I saw him out there working, right along with his guys. And then there is Jared up here, still out tonight. I never saw you George, period. What happened? What did you accomplish in five years as roadmaster?

**Geise** maybe the Chairman can actually speak to that, because he knows very well what I have done, I am not going to talk about it any longer. I have done more for this township then you will probably ever know, cause no one ever asks, and no one ever tells, except when they don't ask me.

**Pay Bills:**

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

**Adjournment:**

Meeting adjourned 8:59PM

All motions passed by roll call or verbal.

**List of Communications:** *(On File)*

**Financial Reports:**

Profit and Loss

Deposit Detail

Accounts Payable – Totaling – \$26,919.32

Respectfully submitted,

Amy Hoffman, Office Clerk

Amanda McClain, Secretary/Treasurer