

**POINT TOWNSHIP SUPERVISORS
REGULAR SUPERVISORS MEETING
TUESDAY, JUNE 09, 2020**

The Point Township Board of Supervisors held their regularly scheduled meeting on the above date at the Point Township Municipal Building, 759 Ridge Road, Northumberland, PA. 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 Sergeant Craig Lutchter, Roadmaster Jared Wehry, Secretary/Treasurer Amanda McClain and Office Clerk Amy Hoffman. *(SEO/ZEO Gene Powlus, called in via GoToMeeting)*

Visitors present were: Earl & Karen Persing, Dean Dunkelberger, Katie Wehry, Frances Ranck, Rick Dandes, Nate Fisher, John Eisenhower, Joe Stender Jr.

Chairman Yoxheimer welcomed the residents to the Supervisors meeting and all present repeated the Pledge of Allegiance. *(Draft of the minutes of the Regular Supervisors Meeting and a copy of the bills to be paid this evening on the front table of the meeting room provided for anyone interested in viewing the information, once reviewed please return to the table).*

Approval of Minutes:

MOTION made by Stender to approve the minutes of the Regular Supervisors Meeting held on Tuesday, May 12, 2020. Seconded by Neitz and passed unanimously.

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

Solicitor:

- **Sunoco Pipeline:** placing additional tank, spoke with Sunoco's attorney. Research I have done shows municipalities cannot regulate. Stormwater falls outside PUC and has not been clarified by the courts.

Yoxheimer we would ask for a land development plan that would not need to be approved/signed by the municipality. This would be a memorialization of what they are doing with stormwater and their erosion and sedimentation plan. My suggestion and goal are to have them recorded so they are on record as to what their intentions are in case somewhere down the road there could be some stormwater issues, at least they have a stormwater plan that has been approved by the township.

- **Fact Finding Update:** there was some information that went out on a social media site regarding a township hiring process, about individuals that applied for those positions. The township had received some phone calls from residents expressing displeasure about it. The board has tasked me with fact finding, to determine whether that information originated from anywhere within the township. The comments suggested that it was someone who had direct knowledge of board members opinions about things and information that really only board members would have been

privity to and would have only been discussed in a closed executive session. The first part of that was at the last meeting we made a request on the township website of the public if they have any information regarding it. We did determine that there was an email that went out from a gmail account that had been set up along with several others, one for each of the township supervisors. We have an email that shows it came from that account, that has comments that were identical to those posted on the social media site. As I had mentioned at the last meeting, it did come from the account that was Supervisor Geise's township administered site, that would normally be used for township business. A disclaimer made at the last meeting, so the public understood, that they were not comments that were representative of the township Board itself, they were not authorized as comments expressing opinions of the township. The other thing I advised the board at that time, and they took a vote to authorize it, was to request that any of the laptops that were purchased by the township several years ago, that Supervisor Geise had, be returned so we could review those and determine what happened and to determine if there was any other statements. He did ultimately drop his laptop off here at the township. The township takes the confidential information seriously, that is why we hold executive sessions, that is why they have asked me to investigate this.

Yoxheimer (to Geise) we know the email was sent from Geise's gmail account. The question we have at this point is would you have reason to believe that anyone other than you might have had access to your gmail account? I guess what we are trying to find out is, are you the origin of the email. That will help us trying to do any deeper investigation and put any more cost into trying to determine where this email came from. Are you aware of anyone who could have had access to your laptop or to your email/gmail account?

Geise I cannot comment on that.

Peters we are holding the email that went out. The email is word for word of what we went over in executive session. It was the concerns that were expressed by Mr. Geise. Based on this, I am not going to go into an executive session with Mr. Geise. We lived through this with that group of developers, I'm not living through it again.

Yoxheimer back when Justin Dunkelberger sat on the board, we could pretty much regularly guarantee that anything that was addressed in executive session, would end up in the hands of the people that we were generally having the executive sessions about. We are trying to see if the leak is coming within our board here. (*Read a portion of the email*). (**Peters** it said both these individuals have character flaws.) Our concern is if this type of thing could create liability for the township. There is a part in this email that was sent out, that suggests we as a board are trying to sneak things through, the concern that we have is, this board has always tried to be as transparent and as open as we can, the suggestion was, that somehow we are not doing that. I think when we have meetings, I go to great lengths to try and explain to the public, even on things that happened a month ago, to bring people up to speed so they know exactly what we are talking about and they know exactly why we are doing it. I do not appreciate being accused of trying to push things through. It is important to us as a board to find out how this information got out there.

Shoch regarding Peters comment on executive sessions, I was asked to look into that and what the standard is, obviously the information that is discussed during an executive session is there for a reason, and is not supposed to be publicly disseminated. I did find some case law on this at a local level in another county, where there was an issue with a Supervisor habitually taking things out of executive session, in that case it was in a contractual matter, and it was putting the township in poor negotiating position, they did go to their county court common pleas and request relief. In that case, they asked, which they were not granted, to exclude that particular supervisor from executive sessions. The court did not grant that, however, what they did do, was issue an order, which basically required that the supervisor not disclose any information that was in executive session, essentially putting it in an order

that should already be a duty of each of the Supervisors. The effect of that is, if there is a violation of that, you have violated a court order, the court could then find them in contempt of court, there could be fines, they could throw them into county lock up, it would be at the judges discretion.

Eisenhower how can anyone of you trust that what you say won't get disseminated to the public. You may as well not have executive sessions, none of you are going to feel free to speak like you should be able to, for fear that it is going to get out there.

Yoxheimer that is Peters concern, that this may not go away, that this was just not a one-time thing. Do we have the ability to provide this information?

Shoch yes. However this went out, I would note that there is a date and time stamp on it, that shows it was sent out within, probably about an hour after the executive session.

Yoxheimer just for clarity, the reason I asked George specifically if he would have known or had any indication as to whether his email/gmail account could have been hacked, I have the email in my hand, and signed at the bottom of it is George Geise, its not signed in script, but it has his name attached to it. The reason I bring that up, and the reason I asked George, anyone could have put his name on it. So, we need to investigate further into this.

(Discussion ensued regarding road department laptop)

E. Persing what is the bottom line, what happens when you find the person/persons responsible for this?

Shoch the board will need to look at what the potential remedies are. Most of this is supposed to be governed by everyone having an ethical duty, everyone takes an oath when they take office. There is not a lot out there, it does not often occur.

- **Furman Property:** we have finalized and entered into an agreement for the purchase of some property that is right behind the township building. We had an independent appraisal done of the land, which we are required to do, so we do not pay more than fair market value, which was \$15,000. We negotiated a price that was slightly lower than fair market value, \$14,000.

- **Ratification of agreement with Recla:** with respect to waiving certain employee benefits.

Yoxheimer the agreement was basically in lieu of any benefits that Bob Recla would have taken in terms of health care, that we decided to increase his wage from \$15 an hour to \$16 an hour. We have a savings of around \$14,000 by him not taking health coverage.

MOTION made by Peters to ratify the agreement with Robert Recla. Seconded by Yoxheimer and passed unanimously.

- **Approval of payment of multimodal:** **Yoxheimer** New Enterprise has provided us with a bill for the work done on Cannery Road. We need to approve the payment of that. The final payment of that has yet to be finalized, there are a few incidentals that need to be completed yet. I have received confirmation from the township Engineer to have this motion made tonight.

MOTION made by Stender to approve the application for payment of Cannery Road paving project. Seconded by Neitz and passed unanimously.

Right to know Requests: *(None)*

Secretary:

- **Equal Fire Tax Disbursements of \$26,500 to Point and Tuckahoe FD's:**

MOTION made by Yoxheimer to allow the secretary to disburse the fire tax in the amount of \$26,500 to both Tuckahoe and Point Township FD's. Seconded by Peters and passed unanimously.

- **Notary Class/Exam:** with plans that we have coming in, and the owners not wanting to sign plans right away, I was thinking of becoming a notary public. The Solicitor was going to look into whether there would be a conflict with me signing as a notary and also as the Township Secretary.

Yoxheimer how about having Amy get the Notary Public?

MOTION made by Yoxheimer to allow Amy Hoffman to take Notary class not to exceed \$150.

Seconded by Peters and passed unanimously.

- **MMO for 2020-Non-Uniform \$7900 and Uniform \$39,945:** amounts are less than what they were last year because of two individuals leaving.

MOTION made by Yoxheimer to allow the Secretary to pay the MMO's for Non-Uniform in the amount of \$7,900 and for Uniform in the amount of \$39,945. Seconded by Peters and passed unanimously.

- **Liquid Fuel Audit has been closed through the Dept. of State/Attestation report to follow**
- **Township Audit Update:** still in the process, they are looking to come out maybe at the end of the month.

Police Department: *(Report on File)*

Lutcher looking for a vote to get the hiring process started.

MOTION made by Yoxheimer to allow the Police Department to start the hiring process. Seconded by Neitz and passed unanimously.

Lutcher the Ford Taurus sold on Municibid for \$6,000

Fire Department: *(No Report)*

Fire Police: *(No Report)*

EMA: *(No Report)*

Engineer: *(No Report)*

Yoxheimer the township engineer has been down here quite often with the road project. Last week on Thursday or Friday, a truck got stuck across the road, they had to bring a wrecker in to get it out. There is a new Act 31, which allows local municipalities to control certain large truck traffic on roads, without having to do engineer studies. This is something we want to look into and potentially make Cannery Road from Gibbons to Ridge, to not be accessible to major truck traffic. That then give us the ability to have the police regulate that. Also, since we have the road done, we need to look on working with Furmans to have some major signage either on the Cannery side or the parking lot directing the trucks on which way to go.

Geise that system is already in place. They look right at them and go right by them.

Wehry meeting with salesman from Bradco where the signs are ordered through, he is going to give us some recommendations on signage, and not necessarily for the township to purchase, but Furmans.

Geise you are not going to be able to control the trucks, those signs have been up for ten years. We need to go up the line in government to start cracking down on GPS use and on qualifications for truck drivers.

Road Department: *(Report on File)*

Wehry over the last month we completed laying roughly 325 feet of 12-inch drainpipe and installed an inlet box up on Cannery around Kermit Kohl's. We also did a 36-inch pipe replacement on Cannery

that was hit by one of the reclaimers. The under drain we put in down by Furmans needs to be completed. Along Kermit Kohl's bank, we are looking to put 4-inch stone to help with erosion and bank control. I did talk to Kermit and he said whatever we wanted to do was fine. I have a plan I would like to do on Comfort Road. I talked with Yoxheimer, Pysher. A proposal was forwarded to Yoxheimer for tar and chip to be done later this year. My plan for the year is to take the upper section of Comfort Road, roughly from the water tower to the top, take our zipper, grind what material is there, lay 8-inches of stone down, zip it again, profile it and compact it, and then tar and chip over that. Todd and I met with a contractor, Dale Sellers, that has a stone box, and that is how we are looking to lay the stone down. The estimate he gave me to do that job was \$5,256. I need to obtain three phone quotes for stone.

Geise can I ask why we are not going down to the gun club, which would take care of that whole section that was never upgraded. From the gun club to ridge, is an upgraded road, from the gun club to the top of Comfort is not an improved road.

Wehry when the Engineer and I met on Comfort, we didn't feel at this point it was necessary to include that section.

Yoxheimer do any of the logging operations impact that?

Wehry Pine Creek has one or two weeks yet until they are finished.

Yoxheimer so your recommendation on the section of road was based on your conversation with Todd?

Wehry yes.

Yoxheimer look into including the extra 1000 to 1500 feet of road.

MOTION made by Yoxheimer to allow Wehry to proceed with reconstruction effort on Comfort Road, consistent with what the Engineer would recommend. Seconded by Peters and passed unanimously.

Sewage Enforcement Officer: *(No Report)*

Powlus did soil testing on Susquehanna Trail; also issued a permit for change of use.

Zoning Enforcement Officer: *(No Report)*

Powlus issued three (3) permits: 326 Stone School Road, Front Porch
644 Old Danville Hwy, Above Ground Pool
255 14th Street, Deck

Ordinance Enforcement Officer: *(No Report)*

Planning Commission: *(No Report)*

- Scott/Sara Reedy add on lot subdivision
- River Run Food Development Plan (accepted on 4/14, signed by County, have 60-day extension letter, some changes made, Powlus wants Chairman to review)
- Propane Transload Development Minor, Button Oil/Northshore Railroad (accepted on 5/12, letter sent to PennDOT regarding passing lane)
- Colescott/Hookies Road Minor Subdivision (accepted on 5/12)

MOTION made by Yoxheimer to approve the Colescott/Hookies Road Minor Subdivision. Seconded by Peters and passed unanimously.

- Furman Farms, Inc. Minor Subdivision (accepted on 5/12)

MOTION made by Yoxheimer to approve the Furman Farms Inc. Minor Subdivision Plan. Seconded by Peters and passed unanimously.

MOTION made by Yoxheimer to accept the plans for the Scott/Sara Reedy add on lot subdivision. Seconded by Peters and passed unanimously.

Recreation: *(No Report)*

McClain spoke to John Derr, he is working on a schedule. Board needs to decide on opening of bathrooms due to some extensive vandalism we have had at the park recently.

MOTION made by Yoxheimer to allow the rec park to be open on an as needed basis, per regulations in place at any given time. Seconded by Peters and passed unanimously.

Sewer Authority: *(No Report)*

Other Business:

- **HSA: Shoch** I have asked the Chairman to table this for right now. I was asked at the last meeting to take a look at that and the ability of the township to recoup monies that employees would have had in an HSA account after they left the employment of the township.

Fisher one of the employees is me, asked the board whatever is to come of this, to please just get it done.

Yoxheimer the letter you may have received recently was not the first time we reached out regarding this. Let me explain why we are where we are. One of the things that occurred was getting all the information together for the township audit, which is all the expenses paid out. In order to have a final reconciliation of the audit numbers, what came out of your HSA towards the individual and how much was spent. Our goal was not to just recoup the money, but to get a most accurate account for the audit. We don't know what you spent, what you haven't spent. We wanted an ability to have an accounting for it. Laura Hynoski paid hers back.

Fisher she was here for 9 months, I was here for 12 years. I vested my pension, I left here honorable. I have been gone almost a year, still in the police business. I have every document, every piece of paper, every bank statement.

Yoxheimer that money was provided to you for a yearly stipend to cover your deductibles and out of pocket. That was provided to you as part of the health plan, when you left you didn't take the health plan with you (**Fisher** correct), you gave up that health plan, and should have, at least in most of the minds of this board and the general public, whatever was left out of that should have probably been returned to the township.

Fisher it was given to me yearly in January. It's my money.

Yoxheimer it was your money to use while you were employed here. We let it go somewhat, because we didn't know if bills hadn't come in that still needed paid. From our position, and a lot of the citizens, that should have been money that came back to the township because you were no longer under that health plan.

Fisher I understand and you guys are going to do what your going to do. I am not sure when exactly we went to the Health Savings Account, but I know it was discussed numerous times, that that is your money when you leave here. I was told that.

Yoxheimer I know that did not come from my lips, and I don't think that there was any understanding from any of the other supervisors of that.

Fisher there is nothing in our union contract, there is no policy, nothing that says it needs to be given back. Like I said, I have every document, every bank statement.

Yoxheimer we will look to resolve this as quickly as we can.

McClain is there a reason why that wasn't turned in? Isn't that what Josh required of you as your department head, for you to turn in what you did spend out of that account to have that accountability?

Fisher no, I was told it was our money.

McClain then why would you have to prove what you spent out of it previously?

Fisher I don't have to prove anything, it is my money.

Shoch I think what she is saying, there was a process in place where the employee would hand into their manager some sort of an accounting.

Fisher I do not have any paperwork to show that it was spent.

McClain so you did not spend any money out of the account?

Fisher I spent \$330 of it.

McClain so Josh did not require that to be turned in or shown?

Fisher not that I know, Josh is the one that said it is our money when we leave.

Dunkelberger is there a written policy on this?

Yoxheimer/McClain there is now

Dunkelberger without a policy, how can you even chase after this?

Shoch that is one of the issues we are looking into.

Yoxheimer this was put in place to cover the out of pockets and deductibles, if once that policy is gone, I do not know how one can think that it is there money to keep.

Dunkelberger my wife works at Lycoming College, she has an HSA, whatever goes in there, her contribution, her employers, is her money to use, when she leaves, she doesn't have to give that back. I do sympathize, I understand, you think ethically you should have the money back, but in my eyes that maybe was a blunder with the board.

Yoxheimer we thought there was an understanding, if we are providing a benefit to you while employed, once the employment was terminated, the money that was not used would be returned.

Eisenhower what caused Hynoski to give hers back?

Yoxheimer in my opinion, I believe she was convinced it was the right thing.

(Discussion ensued)

General Public Comments/Resident Concerns:

E. Persing going back to the road department hires, last meeting you said you paid some individual twenty dollars an hour to come in and use the bulldozer, or whatever. The people you hired, did not have CDL's? You hired two people to do this job, and now you had to hire another one.

Yoxheimer the CDL only requires you to drive certain sized equipment, it does not indicate a certain skill set on how to use equipment. Because of the time frame with projects, we needed a skilled excavator.

E. Persing how many people were interviewed for the road crew position?

Yoxheimer four people.

E. Persing did all of them sit in front of you and the board?

Yoxheimer we interviewed two, we did not interview Recla since he was ex-police and had worked for us part time before, and another gentlemen we reached out to was no longer interested.

E. Persing were they qualified?

Yoxheimer the people we hired were certainly qualified.

(Discussion ensued)

Pay Bills:

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

Adjournment:

Meeting adjourned 8:48PM

All motions passed by a hand vote.

Executive Session

List of Communications: *(On File)*

Financial Reports:

Profit and Loss

Deposit Detail

Accounts Payable – Totaling – \$77,289.18

Respectfully submitted,

Amy Hoffman, Office Clerk

Amanda McClain, Secretary/Treasurer

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