

**POINT TOWNSHIP SUPERVISORS
REGULAR SUPERVISORS MEETING
TUESDAY, AUGUST 11, 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 Joseph Stender, and Supervisor George Geise. Also, present were Solicitor Richard J. Shoch, Officer in Charge Craig Lutchter, Roadmaster Jared Wehry, Secretary/Treasurer Amanda McClain and Office Clerk Amy Hoffman. *(Supervisor James Neitz, ABSENT)*

Visitors present were: Katie Wehry, John Eisenhower, Dick Updegraff, James Manz, and Gene Kreamer

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, July 14, 2020. Seconded by Peters and passed with a vote of four (4), with one (1) absent-Neitz.

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

Solicitor:

- **VanKirk part time officer acknowledgment:** explained letter VanKirk signed. One thing to note with him traveling the Country, if he were to get into some type of physical altercation, we want to make clear, that the Township would not incur any liability.
- **VanKirk per diem consultation fee:** at the last meeting there was discussion of allowing VanKirk to be hired on a consultant basis, to finish up the RACP building project, at an hourly rate of \$40.

MOTION made by Yoxheimer to have Joshua VanKirk have the role of a consultant on a per diem basis at \$40 an hour and to approve the agreement. Seconded by Peters and passed with a vote of three (3), One (1) Nay-Geise, and one (1) absent-Neitz.

Geise he is not a consultant by any means and not deserving of \$40 an hour. Most of this should be on the Secretary/Treasurer's plate, as the Treasurer dealing with monies. I feel it is more appropriate for it to be on the Secretary/Treasurer's plate. I am surprised that you are making a motion from the information that I know you received regarding this issue.

Yoxheimer this is nothing new, we talked about this last month.

Geise I know that.

Yoxheimer what do you mean your surprised, about what?

Geise the information that you received regarding VanKirk being a consultant in this area and his inability to do that. Starting out with even the design and the whole pitch for what is being done here I don't think is a very wise investment for the funds that we received. An obvious example is the pole barn that is being constructed as is now, in my opinion is quite ridiculous, from someone who has seen a lot of road department designs. Also, the preliminary numbers he was pushing out there, were so far off it was ridiculous and then there was an act of surprise when it came in under what the real numbers were. Those are just two examples there.

Yoxheimer if I could address those. Where those numbers came from that VanKirk was using, one was from the architect and the other was from Dave Zartman.

Geise preliminary numbers were coming out before we gave them to those two individuals.

Yoxheimer but they confirmed what the numbers were. Also, when the original grant application was put in, for the last two to three years, VanKirk was the one that did the grant application. What better person to handle this grant process then him? If you can show me someone that could understand this better, and at a cost we can afford, and not to have to bring someone totally up to speed on this whole project, then we would certainly be glad to listen to them. Until then, if we have someone that has a wider berth of knowledge then what Josh does, then I am just not quite sure what your concerns are.

Geise the fact that you think he has a wide berth of knowledge is *(Geise did not finish his sentence)*

Yoxheimer we got the grant.

Geise I understand that

Yoxheimer how could we have gotten the grant if we did something incorrectly.

Geise I am not saying that his attention to detail is beyond and surpasses most people's ability for detail. The issue is, number one, you and I have had the discussion too, many times, about the designs of the building that are happening, especially where the addition of the land that we are going to acquire, the ability to put up a structure that is much more able to be used in a way that is a lot easier for the road department, and probably at a cheaper cost. *(Yoxheimer, asked how at a cheaper cost)* you're not putting near as many doors up, you would be putting everything under one roof. When you have everything under one roof and it isn't all cut up, it becomes a lot more efficient. *(Yoxheimer how much bigger of a building would you need to do that)* It would be a little bit bigger. *(Yoxheimer what is a little bit bigger)* I don't know what the numbers are anymore, I would have to look at the design I had.

Yoxheimer your thought was to take this building down, correct? *(Geise yes, because it is decrepit.)*

And build another building that would take care of the existing barn and new proposed road building. *(Geise yes)* and your anticipating that to be at a cost less then what it takes to re-vamp this building?

Geise I would think that would be at the same amount of cost. I gave you an initial estimate of a brand-new pole barn at those dimensions, at \$80,000 just for the structure.

Yoxheimer on this project, before they got into prevailing wage, everything was less than that. Once prevailing wage was added, that was where the cost of the project jumped.

Geise I understand that. But the point is, I don't feel like he is, again, not qualified to do that. The other thing is, with the website, we have a resident, who has offered his services for free, but have since voted to pay him, to do those services. We already have those services and it is not really necessary to have VanKirk to be doing that either.

Yoxheimer do you have someone you could suggest being able to step in and do this project, as a project manager?

Geise I think we are too far into the process, unfortunately, because I think it should have started out with a need's assessment first, to see what we actually need.

Yoxheimer I think it came down to what can we afford.

Geise I understand that, that's what it always comes down to, but you always start out first with your need's assessment. What do you need, and then you work from there. Quite frankly, it was his design from the beginning, that came out of his head, and he sold it, and that's where its at.

Yoxheimer the architects, this all comes back to *(Geise it all comes back to the board, we are the ones that are in charge of spending monies that we get, this has very minimally touched this board)* what do you mean minimally? Have you volunteered time?

Geise how much has anyone else looked at design, I know you have. I had a whole design in it. And yes, I had input into it, I stood over in Josh's office as he was designing it and we discussed things. But again, it ended up being whatever he wanted and that is absolutely obvious with the road department. That was my first complaint with that from the very beginning that it wasn't suited for what the Township should have. It doesn't really matter now; we accepted the proposal to go ahead with it. *(Geise asked Dick Updegraff if he was a project engineer, Updegraff responded that he was a project manager)*

Yoxheimer I have actually asked Updegraff if he would want to, we would be more than appreciative of having him look at this and see what we have.

Updegraff I simply just don't have the time right now.

Yoxheimer we tried to get the best product we could for the funds we have available. As you recall the original grant was supposed to be \$600,000 and that was scaled back to \$500,000. We are still trying to reach out to Culver to get some more funding for the project. I guess my question to you is, is what we have designed now, is an unusable project or is it just not quite the way you would have envisioned it?

Geise it is going to be cumbersome..... its not going to be an efficient use.

- **Addendum to fact finding:** this was an addendum to the original fact finding from last meeting. In the discussion there were a couple of things that came up, I had some people approach me after the meeting, it created some confusion, one which was the Sunshine Law, what it meant to keep things confidential from executive session. The other was a critique to the duration and nature of the fact finding. Supervisor Geise indicated, if someone would have just asked him about this, we didn't need to go through this multi month digging through and reviewing accounts. I addressed both of those in this addendum.

Yoxheimer it is the Solicitors opinion that the original fact finding and the addendum, be submitted into public record.

MOTION made by Peters to add the addendum to the fact finding on the Township website. Seconded by Stender and passed with a vote of three (3), One (1) Nay-Geise, and one (1) absent-Neitz.

Peters where do we go from here, how do we get back to executive sessions?

Shoch mentioned again the cases he read about a Supervisor in another area releasing information, which was putting that township at a disadvantage on contractual negotiations. In this case, there was a court order imposed on that Supervisor to not take information that should not be made public.

Updegraff so it was discovered in that case, that he did disclose executive session information? *(Shoch yes)* and the ruling was if he were found to do it again, he would be fined?

Shoch yes. He has a right as a Supervisor to still be in executive sessions, but from here on out, if there was another instance of this happening and it was found out, it is now a violation of court order that there could be penalties for.

Updegraff That ruling only applies to that case? It can't apply here?

Shoch correct. You can apply for that hearing; you would have to petition the court in Northumberland County. That may not be the same ruling we would get though.

Updegraff how much would it cost the Township to go that avenue?

Yoxheimer it would be a board decision to go that route.

Shoch there would be a fee to file at the court, my time as well in terms of filing it.

Updegraff what else can you do to safeguard from this happening again?

Eisenhower it all comes down to trust, how can you have an executive session and trust that its not going to get out there.

Yoxheimer what are the feelings of the board? Is this something we want to ask the Solicitor to give us a sense of what it would cost to go that route?

Geise instead of spending money, why don't I just say, if it is found out that I release information out of an executive session again, and truly from an executive session, I'll resign on the spot.

Shoch again, your confusing the issues.

Geise I'm not confusing the issues, you are actually confusing the issues, your saying I talked to one Supervisor and two other individuals, (*Shoch that is what you said*), not it is not, read the minutes. I said I talked to two Supervisors and two other individuals.

Shoch so you talked to two other individuals that were not on the board?

Geise that is correct

Shoch so what your saying is that you created even more liability for the Township. Disclosing it also to a member of the public at one time, something that shouldn't have been disclosed, does not absolve you from liability.

Geise that's fine. Again, that is my proposition, I am tired, number one for paying you for a fact finding that is not that great. That is my recommendation, go ahead and do that. But if you want to do that, go ahead and put the court order against, it doesn't bother me any. My proposition to the board is to stop spending money, if it is found that I do that again, I will resign on the spot. I am more than confident that is something against my ethic, and I wouldn't do.

Shoch you are still kind of challenging the validity of the fact finding, and the effectiveness. What it was effective in, was determining how the information was distributed, because you still have not been able to utter out of your mouth that you did disclose the information, but through your attorney he acknowledge that you had. It was disappointing through this whole thing, that at every turn you never acknowledged the responsibility for it.

Geise the exact premise upon what the fact finding was started was against a liability or an action against the board from a resident or potential hire was the exact same thing that was being done to myself, and therefore I was protecting myself with an attorney because I felt that was what was happening.

Shoch what was happening?

Geise my rights were being violated by what was happening. I am not going to get into it, because quite frankly I feel the majority of it was just political to begin with. And I'm done talking about it. I gave my proposition because I am tired of seeing money being wasted, taxpayer money, and I want to move on. Its only hurting the residents if we don't hold executive sessions.

Yoxheimer what started all this? Did the board start this, the Solicitor? We were getting information back that there was information put out there, that only could have come from an executive session. When asked, everyone else said no it didn't come from them, and we found subsequently that it did come from you. Where did this originate, who started this?

Shoch I was trying to address this purely from a factual standpoint, but if you are wondering why others aren't just willing to move on from it, you are the only person on this board who disclosed it, you are the person who is responsible for it and you are the only person on this board who hasn't apologized to the Township taxpayers for putting their money at risk. You have not owned up to it. (*Geise I did own up to it*) Your attorney ultimately, after we were two months into the fact finding and we had issues because it was apparent you deleted emails, even though the Board advised you not to delete the emails before

you turned the laptop over, and they were deleted within hours of the vote being taken to have you turn it over with the understanding nothing was to be deleted.

Geise I can't disseminate my opinions to the public?

Shoch not if they are going to be defamatory.

Geise what was defamatory?

Shoch you basically said the people that applied for the job, you said they were bottom of the barrel, among other things. If you didn't feel it was anything that was damaging to the board, why didn't you just own up to it at the beginning when you were asked?

Geise maybe the Solicitor should stop being political and actually be a Solicitor.

Shoch – *read fact finding addendum*

Yoxheimer asked Geise if he had anything to add, (*Geise why bother*). Yoxheimer asked the board what their wishes were?

Peters I would want to explore Supervisor Geise's proposition. This board has already lived through this once. Absolutely horrible.

Yoxheimer the thing that makes this distasteful to this group of people here, this isn't the first time this has happened. We had a Supervisor, that I could almost guarantee what was said here, by the time I would be getting home, I would be getting a phone call from the Daily Item wanting to know about my comments that were made in executive session. The thing, I feel that George fails to remember here, he has the responsibility as a Supervisor, that those opinions while appropriate for other members of the board that has to make decisions may not be necessarily appropriate to the general public because he is not speaking as an individual, he is speaking at some point, because of his role as a Supervisor, that now he speaks for the Board, at least one fifth of the board, that's the problem. When you have opinions, you can certainly have the ability to voice them to your fellow Supervisors if that's the roll your taking, but when it comes to having the information disseminated to the public, whether you believe it or not, whether its true or not, is that it does put you (the Township) in line for potential defamation. This isn't personal George, this is business.

Geise my sole roll in this seat, is to protect this Township from ridiculous expenditures that this board and decisions that this board has made in the past and continue to make.

Yoxheimer why didn't any of that concern rise until you lost your position as Roadmaster?

Geise it did rise, if you look back at the minutes, you will see when it changed. It is not personal, like you said, it is business.

Yoxheimer most of the votes we took, were unanimous votes on many things.

Peters I agree with Supervisor Geise and wasting money, so if an agreement, and that agreement should span all members of the Board, would solve this, I would be interested in that. If that does us no good, then we have no choice then to pursue this through the court system.

Shoch I don't think you could enforce an agreement.

Peters I am talking about a legally binding agreement between the five of us.

Eisenhower its trust again, now you've taken a gut punch, George has offered if he does it again, he will resign. George, why don't you just resign now?

Shoch It would not be a legally enforceable agreement.

Yoxheimer lets do this, there are thoughts out there about having a legal document drawn up, there is an offer on the table by George, there is too much here to digest tonight, I want to be able to have some time to think about it, what might be the appropriate thing to do. I think the appropriate thing to do is to table this tonight, and maybe next month we can address it again and see what the feelings of each board member is on this. George has indicated that now his whole demeanor, as of a certain point has changed, apparently he thought the only way he could get any results was by doing what he did, will he continue to take that attitude about how he affects change on this board. Clearly George is not satisfied

with the direction the rest of this board is going. My concern is, what are going to be his methods of addressing his own concerns. Sitting here in a public meeting and saying I disagree is one thing, but he overstepped that bounds when he put it out there for public media and expressed, what could have been considered defamatory or liable remarks. That is the issue, not that he has an opinion, but how he disseminates it.

- **Agenda Law:** there is a bill that went through the PA house, they approved it, I believe it is before the Senate right now. The bill is regarding agendas and there being a 24-hour time frame on putting the agenda on your website. The agenda as you know it, would go onto the website 24 hours in advance of the meeting, if there was anything proposed to be added a vote to have it added at the beginning of the meeting would need to occur.

Right to know Requests: *(None)*

Open Bids for Comfort Road Bids:

Yoxheimer we received two sealed bids.

Midland Bid: \$73,990.97

Hammaker East Bid: \$74,475.98

Wehry it is about \$3,000 less then the estimate.

Manz asked if there should be a minimum of three bids? Said it should be tabled until you get 3 bids.

Yoxheimer that would be nice to get at least three bids but often we don't for some things.

(Discussion ensued)

MOTION made by Yoxheimer to accept bid from Midland Asphalt in the amount of \$73,990.97 for the Comfort Road project. Seconded by Peters and passed with a vote of four (4), one (1) absent-Neitz.

Secretary:

- **Approval for Chairman/Secretary to pay invoice for building project:**

MOTION made by Peters to approve the Chairman/Secretary to pay invoices for building project/RACP as they come in. Seconded by Stender and passed with a vote of four (4), one (1) absent-Neitz.

- **NNB Access Form:** bank wants just one point of contact for transfers

MOTION made by Yoxheimer to allow the Chairman and Vice Chairman to sign the agreement, Northumberland National Bank Access Form. Seconded by Stender and passed with a vote of four (4), one (1) absent-Neitz.

- **PSATS Quickbooks Training:**

MOTION made by Yoxheimer to allow the Secretary to take any classes as necessary for training with QuickBooks. Seconded by Stender and passed with a vote of four (4), one (1) absent-Neitz.

- **Furman/Land Approval for payment**

Shoch got the abstractors report last week, should be in a position to schedule closing.

MOTION made by Yoxheimer to allow the Secretary and the Chairman, in coordination with the Solicitor, to prepare the checks and whatever would be necessary to do the final land transaction for the acquisition for the additional land from Furmans. Seconded by Peters and passed with a vote of four (4), one (1) absent-Neitz.

- **PPL Invoice for Channel Marker Lights:** has finally been rectified, PPL had a service person check the breakers.

- **Conservation Tire Collection Event:** on the website

Police Department: *(Report on File)*

Lutcher the sergeant testing was completed on August 7. Testing for new hires, is August 21, which will consist of PT test, written test, and oral test.

Fire Department: *(No Report)*

Fire Police: *(No Report)*

EMA: *(No Report)*

Engineer: *(No Report)*

Yoxheimer Township Engineer will be putting bids out for Growing Greener; the bids should be ready almost anytime.

Road Department: *(Report on File)*

- **Line Painting Estimates:** received three phone quotes, for painting lines on Cannery Road, lowest bid was \$929.28 from Midlantic, then \$2,000 and the third was well over \$3,000.

MOTION made by Yoxheimer to accept phone quote bid for line painting from Midlantic Marking, Inc. for Cannery Road, a total of \$929.28. Seconded by Peters and passed with a vote of four (4), one (1) absent-Neitz.

- **Park Lighting Quote:** Heard back from one company with a quote for two LED, dusk to dawn lights, to be installed on peak of the restroom building and the concession stand, \$895.64.

- **Driveway Work off Cannery Road:**

Yoxheimer received a request from a resident that there would be some issues on an access from Cannery Road, a driveway that served three properties. Had the Township Engineer look at it, what might be the appropriate thing to do there. Engineer agreed that because of site radius and because of the angularity, the road is on a curve, where the driveway comes up, it is at a peak. The suggestion was to add some material to the driveway.

Updegraff so you would build up the driveway?

Yoxheimer yes, it would be no different then any other transition that we have, wherever there was a driveway that transitioned onto Cannery Road, it had to be addressed. Wehry voiced his concern with working on private property, as apposed to working in the Township right of way. I would like to believe the Township acts in the best interests of all the residents. I suggested to the Roadmaster that he provide a letter to the Township, and my recommendation to him is that we enter into the public record, that he did have an issue with it and we did put it in with the minutes.

Eisenhower where is this property at?

Wehry the address is 567,569 and 575 Cannery Road

Yoxheimer it is a single access road that serves three properties.

Manz so when I put my driveway in, I wouldn't have to concrete it out to the curb, you would have taken and come back twenty-five to thirty feet?

Yoxheimer only if the Township Engineer would have determined that had we not done that, that potential could have been a liability for the Township.

Manz so the people who own this driveway, don't have to do anything to improve their driveway unto the Township road, the Township is going to take care of that for them?

Yoxheimer no. We are only taking care of what the Engineer determined to be a liability for the municipality.

(Discussion ensued)

Geise we did this on Hookies Grove Road, when we did the mile stretch of road, it ended up being eight inches higher than the existing driveway, and we went through and put fill into those driveways. As the Chair stated, that was our responsibility, we caused that issue.

Yoxheimer I was just advised by the Solicitor, I have been somewhat careful, not to disclose ownership of this property, fact is, one of the owners of the properties is actually George Geise's property.

(Discussion ensued)

Yoxheimer asked George about the waste material he had dumped on his personal property from the milling of Cannery Road, asked how close in proximity that was to the driveway work to be done?

Geise 1,000 feet away.

Yoxheimer can we use some of that material?

Geise I can put some on top if I have any left. Its supposed to fill in a dip. I think we should stick with what we talked about with the Engineer. The Engineer is the one who made the recommendation, you know, I stayed out of it. It should only take two single axle loads. Do I have a time frame for that, mom and dad are scraping bottom every time they go out the lane.

Yoxheimer the only issue we have is, we are trying to coordinate with the oil and chip.

Geise this doesn't have anything to do with oil and chip, if I can put some of that other stuff on top, its not going to wash. It shouldn't even take an hour. Your hauling two loads over, dumping them out, I will be more then willing to help spread them out.

Yoxheimer what about rolling it?

Geise it doesn't need to be rolled.

Sewage Enforcement Officer: *(Report on file)*

Powlus issued two septic permits:

- 255 Lahrs Road
- 3311 Ridge Road

Zoning Enforcement Officer: *(Report on file)*

Powlus issued nine Zoning Permits:

- 3311 Ridge Road, new home
- 14528 Susquehanna Trail, Garage
- Lot #4 Geronimo Drive, new home
- 133 Starook Road, Garage
- 268 Meadow Lane, Garage & Pool
- 450 Mountain Road, Patio & Pavilion
- 193 Sports Zone Drive, Pool
- 128 Diner Road, Carport
- 440 Cannery Road, Trellis/Fence

Ordinance Enforcement Officer: *(No Report)*

Planning Commission: *(No Report)*

- **Approve Kitchen/Devlin:**

MOTION made by Yoxheimer to approve the Kitchen/Devlin plan. Seconded by Peters and passed with a vote of four (4), with one (1) absent-Neitz.

- **Gene Kreamer/accept land development plan for RACP:**

MOTION made by Yoxheimer to conditionally accept the Township Land Development Plan, Chairman and Secretary to sign and notarize. Seconded by Peters and passed with a vote of four (4), with one (1) absent-Neitz.

Recreation: *(No Report)*

Sewer Authority: *(No Report)*

Other Business:

- Resolution 2020-06/Capital Budget Project/RACP:

Yoxheimer one of the things required under RACP, is a resolution accepting the project.

MOTION made by Yoxheimer to allow the Supervisors to sign Resolution 2020-06. Seconded by Peters, passed with a vote of three (3), one (1) nay-Geise, one (1) absent-Neitz.

General Public Comments/Resident Concerns:

Manz last year I approached the Supervisors on expenditures within Point Township's Fire Company, you said you requested it from them, did you get that, where the tax dollars are going?

McClain they provide a report at the end of every year. If you would like a copy, it is on file.

Manz Frank Furman said if it would not be for the fire tax monies, they would be totally broke, that they wouldn't be able to make it. Where do the tax dollars go?

Geise they get split between the two fire companies.

Manz where does Point Township get the money to buy a rescue boat, trailer and they just bought another engine. If they are that desperate for money, where are they coming up with the money to buy this equipment? If they are buying anything with the Fire Tax money, that becomes the property of the taxpayers. You better not raise the fire tax on the residents of Point Township. (*Yoxheimer asked what his solution would be, a paid fire company?*)-not to give them any more money.

(Discussion ensued)

Yoxheimer we know what the cost of professional fire services are, they can be very expensive. We have been blessed with having volunteer fire companies trying to make the best with what they have and still supply the services that they do.

Pay Bills:

MOTION made by Peters to pay bills. Seconded by Stender and passed with a vote of four (4), with one (1) absent-Neitz.

Adjournment:

MOTION made by Peters to adjourn meeting. Seconded by Stender and passed with a vote of four (4), with one (1) absent-Neitz.

Adjournment:

Meeting adjourned 9:15PM

All motions passed by a hand vote.

Executive Session

Respectfully submitted,

List of Communications: (On File)

Amy Hoffman, Office Clerk

Financial Reports:

Profit and Loss

Deposit Detail

Accounts Payable – Totaling – \$52,884.48

Amanda McClain, Secretary/Treasurer