

**POINT TOWNSHIP SUPERVISORS
REGULAR SUPERVISORS MEETING
TUESDAY, SEPTEMBER 8, 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 Neitz, Supervisor Joseph Stender, and Supervisor George Geise. Also, present were Solicitor Richard J. Shoch, Officer in Charge Craig Lutchter, Officer Kevin Rushton, Roadmaster Jared Wehry, Secretary/Treasurer Amanda McClain and Office Clerk Amy Hoffman.

Visitors present were: Katie Wehry, Jean Neitz, Elizabeth Green, Steve Sees, Earl & Karen Persing, Michael Boop, Rebecca Mausteller

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 Peters to approve the minutes of the Regular Supervisors Meeting held on Tuesday, August 11, 2020. Seconded by Stender and passed unanimously.

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

Solicitor:

- **Police Contract:** the Police agreed to open their contract to make some changes, one was to switch the HSA to an HRA. A draft was put together with changes to be made by Officer Rushton. Amend the post retirement from \$4,500 to \$6,000 a year. Also, to remove some language that is not applicable to Lutchter. Any approval from the board, should be contingent on each Police Officer signing a document that they are agreeing to reimburse the Township.

Yoxheimer Officer Rushton is the negotiator for Collective Bargaining Agreement.

Rushton under the salary section, it says Lutchter will work a 72-hour work shift, no overtime until after the normal 84 hours to save some money for the PD to be able to get a sixth officer. It was all spelled out, referencing Lutchter, with him becoming Chief, that will be null and void. The pay scale there was unnecessary, his hourly rate was still the same. We removed that and added under where it talks about the work week, upon the Township's approval, any officer is eligible to work the modified 72-hour work shift.

MOTION made by Yoxheimer to approve Lutchter to work a 72-hour work shift, conditioned upon him not having to fill in or work additional time, and that any overtime would be after a normal 84-hour work shift. Seconded by Neitz and passed unanimously.

Rushton in the current agreement, we give retiree's that have served the Township for twenty years \$4,500 towards health coverage. With VanKirk retiring, we looked at available plans for him, and the

\$4,500 wasn't even touching anything anymore. There were some more reasonable ones right around \$6,000, actually a little over, we thought that was a fair amount. I understand the Township funds the PD post retirement fund for two officers, one is for Recla, and then they fund one for a phantom officer to monies for the future. The increase will go from \$9,000 to \$12,000, whatever the Township wants to fund the account for after that, is up to them.

MOTION made by Yoxheimer to fund the PD post retirement fund with \$15,000 a year. Seconded by Neitz and passed unanimously.

Rushton the Township requested the change for the HSA to an HRA.

Yoxheimer explained the reason the HSA began in the first place and why the Township is changing to an HRA.

Rushton the association all agreed on the HRA and that whatever funds were left in each HSA account; they would return to the township at the end of the year.

MOTION made by Yoxheimer to ratify and accept the changes as proposed by the police collective bargaining unit in terms of changing the HSA to HRA, conditional on each individual officer sign off on relinquishing HSA funds at the end of the year. Seconded by Neitz and passed unanimously.

Yoxheimer VanKirk's official end date is September 20, 2020. In lieu of the fact that he is not here, and Sergeant Lutchter is Officer in Charge, but for all intents and purposes is the Chief, I want to make a motion to make that official.

MOTION made by Yoxheimer to promote Craig Lutchter to Chief of Police, effective September 7, 2020. Seconded by Stender and passed unanimously.

Yoxheimer after the testing procedures, we have gone through the process of looking for a replacement for the Sergeant, it was determined that Kevin Rushton would be the candidate that would be presented to the Board for the Sergeant position.

MOTION made by Yoxheimer to promote Kevin Rushton to Sergeant, effective September 7, 2020. Seconded by Neitz and passed unanimously.

Police Department: *(Report on File)*

Lutchter out of six applicants we received, to add a sixth officer, we came up with zero again. We are looking into some officers that may want to transfer, if that doesn't work out, we will start the process again. (*Yoxheimer how many total applicants did you have?*) Six applicants, two withdrew before testing day, we tested four, and we didn't take any of them.

Right to know Requests: Lien Search/408 Cannery Road, standard request regarding property, a real estate closing coming up. The secretary handled that.

Secretary:

- **Audit for 2019:** still not completed. VanKirk is still looking for the completed 2019 Audit for RACP. The portion of the audit that needed done to satisfy DCED's requirement was done.

MOTION made by Yoxheimer to allow the Solicitor to send a letter to the Auditors requesting that the provide an audit, or provide a reasonable reason why we do not have an audit. Seconded by Neitz, passed with a vote of four (4) and One (1) abstained-Peters.

- **Winter Maintenance Agreement/Resolution 2020-07:** received from PennDOT, a five-year contract 2020-2025, for maintaining the state roads in the wintertime. The amount went up slightly to \$15,735.75. This requires a Resolution.

MOTION made by Stender to allow Resolution 2020-07, winter maintenance, to be signed by the Board of Supervisors. Seconded by Peters and passed unanimously.

- **Estimated 2021 Liquid Fuel Allocation:** the estimate we will receive for 2021, was \$137,224.03, which is down about \$14,000 from this year due to COVID.

- **Grove Miller Engineering/Pedestrian Study for Cannery Road:**

Yoxheimer we received a phone call from a safety coordinator at Furmano Foods to see when we were going to replace the crosswalks on Cannery. The Solicitor is going to check into if we have a legal obligation to replace the crosswalks. The only people that benefit from the crosswalk, is Furmans. I don't think the Township as a municipality should be responsible for the study, I can understand since it is a Township Road, that the actual painting would fall on the Township. I would like to talk to Furmans to see if they would be willing to pay for the study, and the Township would pay for the painting.

Shoch presumably a study was done in the past since there were lines on the road, part of the issue is, it was owned by the state at the time the lines were put on, and they have not been able to locate or know if there is any record of that study being done. The state is saying that lines cannot be put on unless a study is done.

Yoxheimer I would like to do a conditional motion, if it turns out that we must put these lines on, that potentially we can energize Grove Miller to do the study. Before we do that, we are going to make every effort to have Furmans pay for the study.

MOTION made by Yoxheimer to approve an Engineer study to be done by Grove Miller Engineering, not to exceed \$4,200, conditioned on Furmans not being willing to pay for the study. Seconded by Stender and passed unanimously.

Fire Department: (No Report)

Fire Police: (No Report)

EMA: (No Report)

Engineer: (No Report)

Yoxheimer spoke with Pysher prior to the meeting tonight, talked with him about the line painting, his recommendation was to reach out to Furmans, and go from there. I also asked him about Growing Greener. They are in the final stages of getting ready to put the Growing Greener project out, which will coincide with the sewer project for the Kapp Heights area. That will be done roughly by the end of September.

Peters what are you anticipating, will they be working on it?

Yoxheimer depends on the weather, this isn't necessarily a weather dependent project, as long as the ground isn't frozen, they can dig all winter.

Road Department: (Report on File)

Wehry Comfort Road is zipped from the gun club to the top, stone is coming tomorrow, and tar and chip next week. Still waiting on a second quote for park lighting. Met with K & N last week, we looked at putting a third light on the back side of the bathroom, they came back with a quote of \$971.

Sewage Enforcement Officer: (Report on file)

Powlus wanted to bring to the Boards attention about the sewer line coming out of the building, the new absorption field will be down over the bank, behind the new addition. The sewer line from here is actually going to have to go out behind the building, the line needs to be one continuous pitch.

Also, the sewage issue on Shady Lane, a bad septic, and now they ended up discharging the grey water out onto the ground. There is no cooperation there, this has been going on for about nine months. I have already issued a couple citations, going to court on Thursday about the discharge.

Shoch under Act 537, we also may have the ability to go after them for civil penalties, which would include the cost of remediation.

Peters the property will not carry a standard septic system?

Powlus we didn't dig yet. I am going to say no though.

Geise is there any regulations on flood zone there for the sewer?

Powlus no. Flood plain isn't an issue in this case.

Peters and it is a permanent structure, like a home?

Powlus yes, and the bad part is, I don't know how many adults are living there, I know there is at least four, and one or two kids. The Township needs to do something, it is just going to get worse and worse as time goes by.

Yoxheimer at what point does the home become uninhabitable because of lack of ability to deal with waste? If they are now running grey water out, at what point does what they have, no longer work?

Shoch you as a Board would actually give them a notice saying that you need to do these steps by this date.

Powlus the charges I filed are criminal charges.

Peters what is the fix? If you can't even perc it to put anything on it.

Powlus we don't know until we do soil testing. There has been no cooperation to get that done.

Yoxheimer so up till now, they have ignored anything you have asked them or requested them to do?

Powlus Exactly. The five or six times I have been to their place, they scream and yell.

Peters what is the status of the nursing home?

Powlus I am about ready to do a perc test.

Zoning Enforcement Officer: *(Report on file)*

Powlus issued six Zoning Permits:

- 223 Newberry Lane, Pole Barn
- 136 Blossom Hill Road, Sunroom
- 759 Ridge Road, Building Renovations
- Old Danville Hwy, Shed
- 596 Bulk Plant Road, Deck
- 150 Breezewood Lane, Shed

Ordinance Enforcement Officer: *(No Report)*

Planning Commission: *(No Report)*

- Approve Land Development Plan (RACP):

MOTION made by Yoxheimer to approve the RACP Land Development Plan, conditioned on closing and signing. Seconded by Peters and passed unanimously.

Yoxheimer with a project that has construction, it usually requires permits, which would be through NEIC. They waived all costs for those permits, except for the \$4.50 state fee, that saved the Township about \$18,000. I want to go on the record to thank NEIC for them doing that work for the Township.

Recreation: *(No Report)*

Sewer Authority: *(No Report)*

Peters it should be noted that the Sewer Authority met with the Borough, resulting in five and a half hours of mediation. Which I can't say resulted in nothing, but it is going to continue on. We can't really talk about the mediation efforts, but it did move forward ever so slightly.

Other Business:

McClain I want to note, that I emailed Jason Roth that in the least we would like a report sent into us from the Fire Police that we could read monthly.

General Public Comments/Resident Concerns:

- Michael Boop/Noise Complaint:

Boop raised concern about a noise complaint that has just started to occur at River Run Foods since they started new construction at their facility. He lives on Blue Hill; River Run is behind his house. The noise is constant, 24-7, when in the rear of his home it is loud, but as you climb the steps to his deck, it gets progressively louder. I have tried talking to the owner, I feel he was just giving me the run around. Mausteller put an app on her phone, and it is reading between 70 and 75 decibels. It is so loud, there is no where to go to get away from it.

Yoxheimer when we first got the report of this, I believe not long after you called. (*Boop yes, I called Powlus and he came out*) Out of curiosity I drove up and I didn't hear much. I talked to Powlus and he said when he went it was loud down below and the higher he got, it did get louder.

Mausteller when you are in their parking lot, you can't hear it, the owner wasn't aware it was that loud until Boop made him aware, which was back the end of July.

(Discussion ensued)

Yoxheimer if you are coming for a great deal of relief from us, I don't know if we can provide it. What we have is a noise ordinance that addresses things like animal noises, nuisance ordinances, I don't know if we have the ability to cite them. The business has been there for thirty-some years, maybe more.

Mausteller seven years ago when I was looking at that house, before I made an offer, that was a question of mine, my realtor asked the current owners at the time about that and they said they were good neighbors, quiet.

Boop the reason we came tonight was because she pulled the noise ordinance up on the website, and it says about the health and mental health, we aren't getting equal treatment if they are being favored over us.

Yoxheimer I am not suggesting that we are choosing one side over the other.

Boop no, that is not what we are saying, we just thought with the way that section is worded, that you may be able to do something.

Shoch there are different standards that apply to commercial operations that are in a commercial zone.

Yoxheimer the only thing that might resolve it, is some type of civil action. If there is anything that the board can do, I think the board would be willing to help you. In this case, I think the next step would be to set up an appointment between this individual, myself and Powlus, and express to them that we have had people in this room upset and have concerns with quality of life.

Boop/Mausteller we don't wish them any harm. We just want to live in some kind of peace. We think its great that they are doing so well that they need to expand.

Green lived at 201 Lahrs Road for 46 years, concerned with Mark Catalano being too close to her property line with his new sewer system and that the Township gave him permission to take part of her property.

Powlus do you remember me being there two weeks ago? (**Green yes**) did we walk up and see where you had your property lines stacked out? (**Green yes**) you asked if the neighbor had permission from the Township to use your property, and what did I tell you?

Green you didn't answer me. I asked if the Township gave Catalano permission to take my property, you did not answer me.

Powlus yes, I did answer, we talked about it two or three times.

Sees are you saying that you told her that the Township did not give him permission?

Powlus the Township can't give anyone permission to go on someone else's property.

Sees showed the Board pictures of Green's property, that showed trucks on her property. He referenced pipes in one picture, saying that they were less than ten feet from the property line.

Powlus ten feet is the setback, state law. I was up there and checked everything out, there are no issues with the setback. I went over everything with her and tried to explain in great detail the whole thing.

The septic system does not come out onto her property. They did chew up the grass, and it is not smooth. I talked to the contractor, and they are going to come back and fix it.

Sees that is trespassing, I don't care if they are coming back to fix it.

Powlus that is a civil issue.

Yoxheimer the Township would never, I repeat never, give any individual the ability to use somebody else's property for something that should be completely on their property. The township did not grant them authority to take trucks onto her property to install the system.

Powlus I talked to Catalano and he said he talked to Green and she gave him permission to have the trucks on the property.

(Discussion ensued)

Pay Bills and Adjournment:

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

Adjournment:

Meeting adjourned 8:37PM

All motions passed by a hand vote.

Executive Session

List of Communications: *(On File)*

Financial Reports:

Profit and Loss

Deposit Detail

Accounts Payable – Totaling – \$26,668.82

Respectfully submitted,

Amy Hoffman, Office Clerk

Amanda McClain, Secretary/Treasurer