

**POINT TOWNSHIP SUPERVISORS
REGULAR SUPERVISORS MEETING
TUESDAY, MAY 10, 2022**

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, Sr. Supervisor Joseph Stender, Sr. and Supervisor Thomas Strouse, Jr. Also, present were Solicitor Richard J. Shoch, Officer Kevin Herring, Officer Clarence Kelly, Secretary/Treasurer Amanda McClain, Office Clerk Amy Hoffman, Roadmaster Jared Wehry, ZEO Jackie Hart and SEO Bill Toth.

Visitors present: Helen Peters, Zachary Black, Earl Persing, Thomas Hummel, Glenda & Tom Strouse, Barry & Marekay Wray, Gary & Donna Walter, Merv Swartz, Alfred Lingle, Bob Coleman William & Barb Ayers, Ethan & Deanna Ikeler, Robert Balonis, Bradford Mull, Ashley Thomas, Barry Heller, Jr, Harry Lewis, Anthony & Patricia Davis, Bill Roshoe, Tom Webber, Rocky & Holly Roshon, Rhonda & Randy Graft, George Adams, Rhonda Prutzman, Randy Persing, James Manz, Judy Bird, Bart Gulden, Karen Hunter, Scott Deibler, Steve Carr (? name was illegible on the sign in sheet) and Craig Dean.

Chairman Yoxheimer welcomed everyone 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).*

Public Comment on Agenda Items

Yoxheimer I will request that if anyone needs to speak, please come to the podium.

Approval of Minutes:

MOTION made by Peters to approve the Meeting minutes from the Regular Supervisors Meeting on April 12, 2022. Seconded by Neitz and passed unanimously.

REPORTS: (Old & New Business included):

Solicitor:

- Mobile Food Facility Ordinance Draft: require certain information from people coming in: proof of license through the Dept of Ag; Insurance; provides for a background check.

MOTION made by Neitz to allow the advertisement of the Mobile Food Facility Ordinance 2022-03. Seconded by Stender and passed unanimously.

- County ARP Grant Agreement: North'd County received a large allotment; they established a program where municipalities could apply for monies. Which we will receive \$200,000.

MOTION made by Peters to allow the Chairman and Secretary to sign the agreement for the ARP Distribution monies. Seconded by Neitz and passed unanimously.

- Amendment of Sewer Authority Rental Agreement: this is to update the agreement that was initially made with the Sewer Authority for space in the Township Building.

MOTION made by Peters to approve the amended Sewer Agreement. Seconded by Stender and passed unanimously.

- Resolution 2022-04 reimbursement of consultant review fees for the land development: allows the Township to establish an escrow account from the developer which can then be drawn from for consultant fees for projects.

MOTION made by Yoxheimer to adopt Resolution 2022-04 reimbursement of consultant review fees. Seconded by Peters and passed unanimously.

- Form Agreement for Consultant Review Escrow Accounts: a formal agreement for the developers to sign when they come to the Township for a project. Solicitor to prepare standard agreement for approval at next meeting.

Secretary: (Financial and Treasurer Report on file)

- Approve Solicitor for Zoning Hearing Board: Received fee schedule for the new Solicitor with Matthew Turowski who agreed to serve on Zoning Hearing Board.

MOTION made by Yoxheimer to retroactively approve a new Solicitor for the Zoning Hearing Board. Seconded by Neitz and passed unanimously.

- Matt Beck/PennDOT Message Board: Yoxheimer explained that the Township was approached by PennDOT to place a message board sign in the Township parking lot to alert truck drivers of high wind/fog/weather conditions on the CSVT bridge.

MOTION made by Yoxheimer to allow PennDOT to put message board sign in the Township parking lot. Seconded by Stender and passed unanimously.

Police Department: (Report on File)

- Request Sale of Shotguns: Herring recently got back from a Firearms Instructor School; we are looking to sell 3 shotguns to update our Rifles to improve accuracy.

MOTION made by Peters to approve the sale of three (3) shotguns to Northumberland County Sheriff's Office for \$700 each. Seconded by Neitz and passed unanimously.

Fire Department: (No Report)

Fire Police: (Report on file)

EMA: (No Report)

Engineer: (No Report)

Road Department: (Report on File)

- Teeth for Asphalt Zipper (est. \$650): Yoxheimer explained what the Zipper does.

MOTION made by Yoxheimer to retroactively approve the purchase of the Asphalt Zipper teeth, not to exceed \$650.00. Seconded by Peters and passed unanimously.

- Mountain Road: talked to Chris from County, should have an answer about the grant money that was requested from Dirt and Gravel for pipe work. If we had pipe in stock, we could use and still qualify for the grant. We could pay for the pipe and reimburse ourselves or amend the grant and purchase other materials. We have pipe on hand. Spoke with Dale Sellers, his price of \$11,799, still holds even with the increased prices of fuel. The estimated total cost for the project is \$180,000: that includes 2RC aggregate, fog seal, roller rental.

Yoxheimer explained why this road is looking to be repaired.

MOTION made by Yoxheimer to allow the Roadmaster to put bid out for tar and chip on Mountain Road. Seconded by Neitz and passed unanimously.

R Persing asked about work to be done on Hookies Grove Road.

Wehry that wasn't included, the creek crossing there must be rebuilt. That will be a significant project.

Yoxheimer it doesn't look like it, but that section was built up. We are trying to be as cost saving as we can, but at least get some of the basics done for safety.

Sewage Enforcement Officer: *(No Report)*

Toth took 1 application, 2 perc tests.

Zoning Enforcement Officer: *(Report on File)*

Hart report on file, nothing out of the ordinary.

Ordinance Enforcement Officer: *(No Report)*

Planning Commission: *(No Report)*

- *Accept Hopewell Subdivision*

MOTION made by Peters to accept the Hopewell Subdivision. Seconded by Neitz and passed unanimously.

- *Approve Stone School stormwater updates*

MOTION made by Yoxheimer to approve the Stone School Stormwater updates. Seconded by Peters and passed unanimously.

Recreation: *(No Report)*

Wehry replacing water line at the park, hopefully have water back to the park soon.

R. Persing I was told that there are people coming to the park and letting their dogs run in the ball field and not cleaning up after them. (**Yoxheimer** will look into getting signs and bags to place at the park)

Sewer Authority: *(No Report)*

Other Business:

General Public Comments/Resident Concerns:

Yoxheimer a couple things first, if you have any one person who wants to speak, I would prefer not to have everyone come up and repeat what the person before you said. Use the podium, you can take your mask off. Please don't speak out when others have the floor, raise your hand, state your name. I have asked the Solicitor to speak first about some bullet points that may answer some of your questions.

Shoch some of what am going to speak of is based off a records request that we received from Brian Long, regarding the proposed Encina project. There have been no permits issued for anything; sewage, zoning, land development, it will likely be several months before it comes to the Board. Nothing will be entertained until we receive all the proper permits from DEP (Air Quality) /Sewage/Waste/Conservation (delineation for wetlands), etc. Discussions are being had, but nothing for us to review. Part of the Right to know request asked about the rezoning process. That project, the rezoning, started back in 2017. This was largely due to the bypass and rezoning 147, and for the Nottingham area. There were two hearings for the rezoning, the areas to be rezoned were posted. We were meticulous in postings and advertisements, it was on the Township website and even though we didn't need to, because it was a comprehensive change, letters were sent to the property owners of the land that was potentially being rezoned.

Yoxheimer our last zoning ordinance was in 1986. We looked at rezoning for a couple things: the number of solar farms, cell towers, and because of the CSVT. We needed to bring the ordinances up to date and to reflect changes that the CSVT would be bringing. We started this about two years ago, but because of COVID, it was delayed. We are also looking to update the Land Development Subdivision Ordinance and Free-standing Stormwater Ordinance. Nothing was done to benefit anyone in particular. The highway Commercial to Industrial was to match neighboring land. We were trying to do our best, for the Township, to anticipate the future.

Shoch the zoning ordinance would have been done sooner, but we had residents come to us with concerns about Air BNB's, and we wanted to address that with them becoming a thing now.

(**Yoxheimer** mentioned some good points that McPherson made and thought needed addressed, delayed the ordinance as well).

Yoxheimer this facility, Encina, needs regulatory permissions: DEP, PennDOT, River Commission, NPDES. They have many things to get before coming to us. Go to the open house tomorrow night, let

them explain. We have very little information; we have what was released in the press release. Our goal here, we take no side, not a proponent or against. Our goal is to act appropriately to what is submitted. We will stay neutral and only rule within the jurisdiction that we are granted by our own ordinances, plus what comes in from the outside agencies that regulate this. Feel free to submit information that you find out about this. Reach out to the outside agencies with your concerns. We are not sitting here with a hidden agenda. We don't have the arbitrary position to say, no we don't think so, if they fulfill all the regulations and requirements set forth but each PA department, we then become subject to take appropriate action or we could be looking at a lawsuit.

Peters we don't even know if they own the site.

Shoch meetings we have had with Encina so far, have just been to get copies of our requirements.

Yoxheimer it's a Texas based company, so they are not familiar with the regulations for PA. Encina hired Rettew, a local engineer company to help with the process. There were meetings today with DEP and PennDOT to inform Encina on their process. This so far is not a typical land development that we usually see.

Anthony Davis asked about the amount of water that he heard they would need, and the drilling that is already going on, concerned with wells in that area. **Strouse** said 2/3 would come from river.

Yoxheimer the wells that you see being drilled out there now, this project is supposed to be phased, the areas closest to Strong will be the first phase, that will be a plastics collection area, 50/60 trucks a day. There will be a sorting facility. The plastics that are not readily recyclable are the ones they are focusing on. The wells they are doing now, they need for the employee group at some point they will have about 300 employed there. We will do what we can to interject and make sure it's safe.

Toth part of the planning process is a detailed hydrogeologic study, that will outline the scope whether it's even feasible to draw from wells. I believe they have four out there right now. I believe one of them is potable water, the other three, not sure if they are just checking the ground water. The initial approach they are looking at right now, the amount of water they need, whether they draw that from the river or from wells, none of that has been decided yet. The impact on aquifer and neighboring wells will be considered in that hydrogeologic study.

Yoxheimer one of our jobs the Supervisors has, is the health, safety, and welfare of the residents. That stands above and beyond anything else. If we have some sense that what they are going to do out there would degrade the quality of life in that area, we will do everything in our ability to prevent it, we will also make sure the agencies that have control over that, are the ones that make sure it is done properly.

Karen Hunter in theory it sounds like a good idea, but the devils in the details. The thought of adding more micro plastics does not thrill me. They will say what we want to hear. Would like to see independent evaluation from the local colleges.

Yoxheimer you need to ask Encina about the independent study.

Hunter went on to describe a place in Louisiana known as cancer alley. I get you are a neutral body, and I appreciate your remarks. I have a very high degree of skepticism.

Yoxheimer your points are well taken, what I can suggest, hold them accountable: DEP and the other agencies. I don't think it is inappropriate for you to ask Encina to potentially have an independent view of some of this. This is a prototypical plant.

Hunter we are the guinea pigs! I have a lot of concern for the river health.

T. Strouse public comment weighs heavily on DEP decision.

Toth depends on permit being sought. Public comments period on permits will be advertised.

Shoch nothing has been submitted to the Township yet.

Peters you have complete access to Culver and Gordner's office, reach out to them if you aren't getting answers. There are supposed to be four plants in the US. We don't know the technology.

Barry Wray has campground along river, we own a lot of land along the river. What is the railroad up to? They have been surveying our property, when we purchased that property, we had almost 16 acres, now all of a sudden, they say we have 13 acres. I am 3 miles south of Danville.

Yoxheimer one of the facilities they are working with, the propane off loading facility. Our understanding with Encina, is after phase 1 is complete they will put that into action, the 2nd phase that does the chemical breakdown is much more involved and take longer to do. We understand this to be some sort of refinery, they will take their process and break the plastics down, they will pull off the chemicals and reload them into tank cars.

Wray they are saying they own 40 feet on my property. I was hoping you would have more answers, but you don't. Another concern is the water consumption.

Peters as it turns out, it is really similar to what Merck does, and they are closing.

Rhonda Groft you said that you don't know if they owned the land. That is puzzling to me that there wouldn't be a record at the courthouse.

Peters we talked to the Markunas' about a month ago, and as of then they had not purchased the land.

Strouse I farm that land, and I just paid to lease it, so as of 2 weeks ago, Markunas still owned it.

Groft is it true they are out there drilling? (**Board** – yes) and they are allowed to drill on land they don't own? (**Board** yes, if they have permission from the landowner) We heard that Governor Wolfe choose Northumberland County, is that true? (**Peters** it was acknowledged that Wolfe knows about it)

Yoxheimer the simple part of this, we are at the bottom of the pecking order, we don't know what conversations may have been had at upper levels of government.

Peters Encina hired a company to research locations for this.

Yoxheimer there were several other areas they were looking at.

Scott Deibler so you are saying that if they come back and everything is checked, you really don't care what we have to say, you are just going to rubber stamp this? (**Yoxheimer** – that's not what I am saying) that's what it sounds like. Mr. Yoxheimer, you sit up there and talk like you know nothing about it, yet you have all these details about it. (**Yoxheimer** these aren't details, they are conceptualizations)

Groft the other thing that was brought up was the number of trucks coming in every day on our roads.

Peters it wasn't that long ago that Yoxheimer and myself, sat in meetings with Walmart and you don't know how close we were to having that facility that is in Schuylkill County right now, that would have been 600 trucks in 24 hours.

Groft my last question, that place that was looking to go in right over here that wanted to burn tires. How did that get stopped?

Peters it got stopped by the people. (**Groft** so they decided not to do it?) yes, based off of the public opposition.

Groft so if they come to you with all of their permits, there is nothing you can do?

Shoch depending on what they propose, there may be something they might have to come before this board for, like a conditional use under our zoning ordinance, we can't deny them the ability out right, but we could place restrictions on things they do, certain aspects of it, in order to minimize some of the impacts that occur. Without having anything submitted, its hard to say how it will stack up with our ordinances.

Yoxheimer one comment to the gentlemen that spoke out, I saw he left, anything we as the Board do, we must have authority granted to us. We can't just sit up here, we are not the judge and jury, we can't say we don't like it, you can't do it. We have an agency, like DEP or PennDOT tell us it can or cannot happen.

Shoch the ordinance needs to be in a way that you are not putting in restrictions that are outside the scope of what we are allowed to restrict.

Yoxheimer our power comes from what is in our ordinance book, from what other agencies provide us with, that is the extent of it. We are not trying to sandbag you on this, there is a limit to what we can and cannot do here. Your health, safety, and welfare are a concern for this, we will take that and use it as our guide for this. You may believe us, you may not, I am sure there are some on both sides.

E. Persing do you need a permit to dig a well? (**Toth** no)

Strouse this was concern I brought up to the Farm Bureau. Someone can dig a well 2 feet from the property line, and then there are restrictions to what can be done near that well, they are essential taking 50 feet from your property. I have spent hours going to meetings for this, not just for me, but to be informed for everyone.

Yoxheimer we don't want you to look at us and say we did something against what the people wanted. We will do our best to protect everyone involved.

Peters regarding the tire facility, they had everything in place for that thing to go. At the end, they walked away, not because of this board, but because of the people.

Manz what are you going to do about blighted properties, abandoned vehicles?

Hart the property maintenance ordinance was adopted, the Supervisors decided they wanted that to be done on a complaint driven basis, and not someone driving around the township.

Manz told Board they should drive around and ticket people (**Yoxheimer** said they would do their best) I have been complaining about the road being washed out in front of my property, a piece of asphalt washed out about 5 feet long, I went to Jared, asked him to put something in there, I have a concrete driveway, the Township is going to be responsible to replace that section of concrete. Jared told me they will put it back in with cold patch. I was told there are a lot of roads worse the Johns Way.

Wehry I went there the day after he stopped here and talked to me. I saw where the asphalt is breaking out above your driveway, we just got a load of cold patch today, so we will be out to fix that.

Manz we are paying the same sewer bill as someone with 10 people living in a house, we only have 2 people. The ones on well should pay the high flat rate, the ones on city water, (**Yoxheimer** asked Manz to come to the Sewer Authority meeting for this).

Peters what do you want to do?

Manz the ones on well pay that flat high rate, and the ones on city water pay according to usage, just like the Borough. How is it fair that I am paying the same rate with 2 people, as someone with 10.

Peters the whole system isn't fair. \$52.51 of your bill goes to the Borough. I will bring it up to the Authority Thursday night about charging city water by consumption. The people paying the highest rate are in Lithia Springs, you are not paying the highest rate.

Pay Bills:

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

Adjournment:

Meeting adjourned 9:21PM

All motions passed by a hand vote.

Executive Session

List of Communications: (*On File*)

Financial Reports:

Respectfully submitted,

Amy Hoffman, Office Clerk

Accounts Payable – Totaling: \$34,715.30

Amanda McClain, Secretary/Treasurer