

**POINT TOWNSHIP SUPERVISORS
REGULAR SUPERVISORS MEETING
TUESDAY, DECEMBER 12, 2023**

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, Supervisor James Neitz, Sr., and Supervisor Thomas Strouse, Jr. Also, present were Solicitor Richard J. Shoch, Office Manager/Secretary/Treasurer Amanda McClain, Office Assistant Amy Hoffman, Police Chief Craig Lutchter, Roadmaster Jared Wehry, ZEO Jackie Hart and SEO Bill Toth. *(Absent: Montie E. Peters and Joesph Stender, Sr.)*

Visitors present: Lana Gulden; Earl & Karen Persing; Barbara & Larry Redington; Zachary Black; George Rohrer; Walter Boyer; Ramesh Haytasingh; Anthony Mattern; Joe Moralez; Rick Dandes; Joe Stender, Jr, Robert & Sandra Sulouff; Daniel Barnhart; Bonnie & John Troxell; Hope Kopf; John Derr; from Bimbo Baker: Chris Baker and Don Miller

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).*

Yoxheimer swore in Walter Boyer to Fire Police.

McClain welcomed those present from Bimbo Bakery, thanked them for the donations over the last four years that totaled over \$12,000 and the most recent donation of back stops for the Point Park baseball field. In the spring, individuals from the bakery will come and help install the back stops. Chris and Don said a few words.

Public Comment on Agenda Items:

Approval of Minutes:

MOTION made by Neitz to approve the minutes of the Supervisors Regular Supervisors Mtg. held on Tuesday, November 14, 2023. Seconded by Strouse and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

REPORTS: (Old & New Business included):

Solicitor:

- Acre Law Filing: there was a complaint filed to the Acre Law by Mr. Hannon, with the PA Attorney General's office. The way they work this is sort of an informal process to start. They will get a response from us which needs to be done by Friday. I will let them know that if there is something in our ordinance that goes against the Acre law, we certainly want to know about it. That is usually the next step, that if they feel that is the case and something needs to be changed, I don't know that will be the case here, they will approach the Township about changing that ordinance. The gentleman that was here at our last meeting, wants to put a building on a property that is zoned R-1 that has certain restrictions on agricultural uses. The Acre law addresses things where you have

existing agricultural operations, and it doesn't allow municipalities to put restrictions, or they have to carve back what restrictions they want to put on it. This is an undeveloped piece of property, while it was rented out to someone to farm it, it is not historically an agricultural property in terms it has been R-1 since at least 1982. We will file our response and get some clarification from the Attorney General's office.

- Right-To-Know Requests: we have had quite a few. A lot of them from Mr. Hannon, or related to him, who appealed both request to the State Open Records office, we responded to the Open Records Office and they dismissed and denied his appeals. The response was that we do not have any other records than what we gave him, so they have both been dismissed. The other outstanding RTK request was from the clean air council regarding information that deals with Encina. We usually get regular monthly requests from them. This one was fairly lengthy. Since it required a lot of photocopies, we are able to charge for that, so we are waiting for them to mail the check before we release the information. There was one other request that we received, from Mr. Lester.

McClain we received a call from him today saying he would mail a check to pay for his copies. He had put in 2 RTK requests. His first request was about vacation, and his second one was for emails regarding Hannon with township officials.

Shoch yes, he must be a friend of Hannon's and he asked for all email correspondence about Mr. Hannon. Lester's first request came in when the Open Records Officer was on vacation, and it was the week of Thanksgiving, the first day she saw it was her first day back which was the end of the 5-day period, so a 30-day extension was sent. For Lester's second request, he was asking for privileged information between myself and the township, which is confidential and then needed my review, so we also issued a 30-day extension for that as well since I needed to pull some language together for the response and review what was being provided.

- Approval to advertise Per Capita Tax Ordinance: we switched over the collection of the per capita from Statewide to Keystone, they asked us if we had an ordinance that stated the exemptions from it. We did not find any record of that.

MOTION made by Yoxheimer to allow the Solicitor to generate the Per Capita Tax Ordinance exemptions. Seconded by Neitz and passed with a vote of three (3), two (2) absent – (*Peters & Stender*).

Shoch one other thing I wanted to address. I noticed in the paper again this week there were a couple articles about the Encina project. I thought Rick Dandes article was well written and gave both sides of the issue which we always appreciate. The statement that I mentioned at the last meeting that was attributed to Mr. Lewis, appeared again in a separate article. I think they rehashed that. The folks that were here at our last meeting and said they were at the meeting the "quote" came from, and that Lewis didn't actually say that. That he said something in a different context. So, he may have been misquoted, it said that he was alleging that the Township had changed the zoning for one of the parcels that Encina is planning to put their facility on, at their direction. This rezoning project and the redrawing of the map has been in the works since prior to covid. Some of it was done as early as 2017, did some in 2018 and then in 2019 things sort of got shut down, because part of that process is that you have to hold public hearings and we felt it wasn't fair to the public to have that ordinance pass when they couldn't come in for a meaningful met. We were having meetings virtually, but that's not the same thing.

Rohrer I don't believe the zoning was the issue, it was the change in the flood zone ordinance, the changes that were made to it that I believe was what Mr. Lewis was referring to.

Yoxheimer as I recall, one of those changes was that they were allowed to fill a certain area of the floodplain, and that is perfectly acceptable to DEP that they did that. That is a fairly common practice. The flood zones are established by FEMA and PEMA.

Shoch the ordinance itself was updated, but we update those every so many years to reflect new FEMA/PEMA standards.

Rohrer there was specific wording that was requested by DRIVE for that specific ordinance, that ultimately happened.

Shoch I do not believe so for the floodplain ordinance. I believe there was some discussion during the time we were in the approval stages, when we were having the public hearings, it was stated I think, in the minutes from the second public hearing. They, like everyone else in the public has a right to comment on it. One of the statements that was made by DRIVE, it wasn't specific to Encina, it was generally, there was a section that was added during the ordinance drafting process, it was actually at the suggestion of our Engineer, that wanted to tie in what they call a floodplain overlay. People come in and say I can do this here, and they forget that we have a floodplain ordinance that is in affect, and they may not be able to do what they want there, or it will require them to do it in a much more expensive way that puts it above the floodplain. One of the comments we received from DRIVE, in their capacity as an economic development entity, when we added that in, we didn't address how we were going to handle things in the industrial district. Almost all of our industrial district lies in an area where there is an adjacent floodplain. The concern was where people were building their residential structures there, we have had incidents where the government would provide programs that we would buy some of those homes, through the Township, and they would be torn down, they couldn't live in them anymore because of the constant flooding or they couldn't get insurance anymore. The Engineer wanted to have something in place that would discourage that kind of development down there. There was a change that was put in for industrial because it was viewed that an industrial project that goes in, any industrial project, if they would have a portion that would extend into that, they will either have the means, or they won't, to be able to do something that Yoxheimer referred to, a LOMA to bring a lot of fill in and they raise it above the floodplain and then it is no longer considered by FEMA to be part of the floodplain anymore. Or, in some cases, they are able to build the structure, or whatever they are doing, and build it up higher, than it would also be above the floodplain. That was a change that I think was put in during the second draft. That was a comment that came in from DRIVE that it could affect our ability to fully utilize our industrial area down there, and to consider this change, so you can allow for industrial buildings as long as they comply with the floodplain ordinance. Just like other people were able to make suggestions, so was DRIVE, and then those comments were taken into consideration. The reason you have an industrial district is to provide industry.

Yoxheimer a LOMA stands for a Letter of Map Amendment, and what that does, is PEMA are the ones that establish the floodplain, that is under the Corps of Engineers. There can be modifications made to the flood areas by individuals, by doing a LOMF, the F stands for fill. By filling in a certain area in that floodplain area, it eliminates that area of being in a floodplain. Where Encina is looking to go is a very small area in the floodplain. I can have our Engineer put something together about what occurred there. There were no secret agreements that Point Township had with anyone about that. All that stuff was well publicized. Mr. Lewis has attended several of our meetings for him to make some assertions like that really disappointed me, he is pointing fingers where there should not have been fingers pointed. I want to make sure there is pure clarity on that and what happened.

Shoch I think it is important to note, because I think there were some folks at the last meeting, or maybe someone sent something in complaining that there was something in the minutes from DRIVE saying that they had a good working relationship with the Township, if people want to view that as we were doing whatever they wanted to, I don't think that bears out when you look at the fact that they have had some things where our newly adopted ordinance has stopped them from doing some of the things they wanted to do. I think that is evidence that was certainly not the case. The fact is that anyone that tries to come into the township, we try and have a good working relationship with them. We give them the

answers to their questions. When they showed up on the scene, we were at the end of adopting our newly revised ordinances. I think the Township has a good working relationship with the Clean Air Council, as well.

Secretary: *(Financial Report on File)*

- Approve 2024 Budget: no tax increase.

MOTION made by Yoxheimer to approve the 2024 Budget. Seconded by Neitz and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

- Advertisement for Regular/Reorganization Mtg on Tuesday, January 2, 2024, at 7PM:

MOTION made by Neitz to allow the Secretary to advertise for the Regular/Re-organizational Meeting for Tuesday January 2, 2024, at 7pm. Seconded by Yoxheimer and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

- Second/Final Fire Tax Distribution:

MOTION made by Yoxheimer to allow the Secretary to distribute the remaining fire tax monies to each Fire Company in the amount of \$2,600. Seconded by Strouse and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

- Accept Board Member Resignation Letter: Yoxheimer read letter of resignation.

MOTION made by Yoxheimer to accept the resignation letter from Joseph Stender, Sr. Seconded by Neitz and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

- Approve Garage Advertisement:

MOTION made by Yoxheimer to conditionally approve the advertisement for the garage, based on the Township Engineers review. Seconded by Strouse and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

Police Department: *(Report on File)*

- Highway Safety Grant Approval:

MOTION made by Yoxheimer to approve the continuation of the Highway Safety Grant for the Police Department for 2024. Seconded by Neitz and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

- Promotion:

MOTION made by Yoxheimer to approve the promotion of Officer Kevin Herring to Sergeant starting January 1, 2024. Seconded by Strouse and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

Fire Department: *(No Report)*

Fire Police: *(No Report)*

EMA: *(No Report)*

Engineer: *(No Report)*

- KAPP Project – approve application for payment #2:

MOTION made by Yoxheimer to approve the paying of the 2nd Gutelius payment application for \$277,848.60. Seconded Strouse and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

Road Department: *(Report on File)*

Wehry with the Kapp project coming to an end, we are going to send the dozer back, we can handle the amount of dirt we will have coming in. We are helping the Borough with some leaf removal since their machine broke down.

MOTION made by Yoxheimer to open the agenda to add that the Road Crew can help with leaf removal in the Borough. Seconded by Neitz and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

MOTION made by Yoxheimer to allow the Road Crew to help the Borough with leaf removal. Seconded by Neitz and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

Sewage Enforcement Officer: *(No Report)*

Toth nothing to report.

Zoning/Ordinance Enforcement Officer: *(Report on File)*

Hart issued 3 zoning permits: 1 accessible ramp; Use permit for a home occupation; deck around existing swimming pool.

Planning Commission: *(No Report)*

- *Approve Mertz Lot Consolidation:*

MOTION made by Yoxheimer to approve the Mertz lot consolidation. Seconded by Strouse and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

- *Approve Troxell Add On Subdivision:*

MOTION made by Yoxheimer to approve the Troxell Add-On Subdivision. Seconded by Neitz and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

Recreation: *(No Report)*

Sewer Authority: *(No Report)*

Other Business: *(None)*

General Public Comments/Resident Concerns:

Dandes how is the American Rescue Money being spent?

Yoxheimer the money we got is going to the Kapp Heights stormwater project.

Rohrer anything submitted from Encina or the state?

Yoxheimer no, nothing from either.

Moralez if you have questions, I will ask that you please reach out to Encina. They have a website that has questions that have been asked and answered multiple times.

Pay Bills:

MOTION made by Neitz to pay bills. Seconded by Strouse and passed with a vote of three (3), two (2) absent – *(Peters & Stender)*.

Adjournment:

Meeting adjourned at 7:58PM.

All motions passed by hand vote.

Executive Session:

Respectfully submitted,

List of Communications: *(On File)*

Amy Hoffman, Office Assistant

Financial Reports: *(On File)*

Amanda McClain, Secretary/Treasurer

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