

MARION TOWNSHIP SUPERVISORS MEETING April 13, 2010 at the Township Building

Present: Jack Aberegg, Ray Gutshall, Kenneth L. Roan and Ellie Trulick

Guests: Herb Chapman, Jim Bryant, Orié Hanley, Brian McCauley, Jerry McCloskey, Shirley Dolan, Todd Dolan, John R. Dillon, Fred Henry, Stan Wallace

Call to order at 7:00 p.m. followed by Pledge of Allegiance

Ken Roan made a motion to accept the March 9, 2010 minutes as printed. Aberegg 2nd Aberegg - Yes Gutshall – Yes Roan - Yes

Public Comments:

Rick Dillon stated that his campground is not for sale as rumors have stated.

Attorney James Bryant discussed the issues at Executive Session Meeting held Tuesday, March 16, 2010. Last Executive Session was due to what he describes as two years of internecine squabbling. Accusations against a former supervisor were investigated by the State Attorney General, PA State Police, State Board of Ethics and his own private investigator. The result was that if there was an any activity of the crimes code or the 2nd Class Township Code, or the Ethics Act they amounted to 1/10 of a nose hair on Bernie Madoff's body. That is not significant. All of the above have investigated the accusations and have found them insignificant of any actions. Marion Township has been in spite of all the bickering, innuendoes, etc. one of the must a fiscally responsible township in the state and country. This is an incredibly managed township because of or in spite of (that is up to the votes) all the Supervisors activities. He has recommended to the Board or Supervisors that they entertain no discussion, comments, criticisms for any of the past allegations presented to the State and local agencies. He thinks it should be put to rest and the Supervisors and the residents should proceed. No suspension is necessary. This Township unlike other township or boroughs in this county is well managed and fiscally solid. He suggests this matter be closed once and for all. Aberegg asked if this includes allegations brought up at the last meeting. Attorney Bryant stated that there were some allegations brought up at the last meeting on time cards and mileage. It did appear that he went to a parts store via Canada and he did in fact put on his time card that he went to see the township lawyer. He did in fact go to the township lawyer to get an ethics opinion. He was asked to abstain from a vote on the ethics issue and he did so. He feels this is a business purpose and can be done on township time.

Jerry McCloskey, EMC – He wants to set up a meeting with the BOS and the secretary to discuss his emergency plan. He also asked about his mileage reimbursement. He will present his bill to the secretary once a month. **Aberegg thanked Jerry for accepting this position and helping the Township out. A BIG Thank you from all.**

Old Business:

1. Don Gallagher—Civil Suit was dropped against Donald & Barbara Gallagher. The septic tank will be pumped when the property is sold. We will be doing this again in 3 years.
2. Glossner property from Stan has not been able to find anyone home when he is gone by the house. He has been there no less than 15 times. If he has a cistern there he only needs to pump it. He is home now. Stan will go over and look an report right back. Mazzotta at Coyote Lane has repaired the broken pipe as required and is waiting for someone to come and cover the sand mound. Stan Wallace came back and reported on Glossner visit. No septic tank. No holding tank. No money to pay for anything. He has had the privy since May 15, 1972 and we can't stop him from using it but he is in violation of the Septic Ordinance. Stan will call Attorney Bryant to decide what to do on this.
3. Bellefonte Fire Company. Report from Roan on the meting held March 24th. Newspaper article on the Bellefonte Borough meeting held April 5, 2010. Roan attended at the meeting held with the facilitator today. Mr. James Ladlee from Marion Township. He passed out Ladlee's credentials. Appears Bellefonte Borough does not want to go with a contract. No cost for the facilitator at this time. He only wants to be at two meetings total. Roan passed out the contract that was set out before. C & D on the formula contract will work. A task force is going to be put together and will consist of 23 people and a citizen from Marion Township will need to be appointed to this. Roan wants both other Supervisors to go to he next meeting on April 28th at 6:00 p.m. at the Match Factory. Bellefonte stated they will be responding to the West end of the Township even though it has been changed to Howard Fire Company. They will be responding to I-80 from Exit 161 to 166. Ray & Jack will attempt to attend. Aberegg is comfortable if they hold to the 1% charge for Marion Township. Howard and Walker will take 75%/25% after we pay Bellefonte. There will be a further addition to the contract to be e-mailed as soon as received.
4. Parking Ordinance # 2003-49 is in place and should be enforced. Gutshall questioned the basketball hoops and skate board ramps not be mentioned. It was decided to leave the Ordinance as it is and Head Roadmaster should enforce the snow removal Ordinance.
5. Secretary contacted PennDOT and notified them that Slaughterhouse Road will be shut down for repairs in July. Gutshall stated he may be doing Weights Lane before the Slaughterhouse Road. He is in contact with Matt Kenep and Chris Manik of PennDOT. Possibly Slaughterhouse will not be done. He spoke to DEP and Weights Lane may be added on to the existing permit. Gutshall is to meet with Franson on this issue. Permit has not been changed at this point.
6. Letter from PEMA concerning Jerry McCloskey as our EMC. Jerry also will accept the NIMS coordinator position as affirmed by a phone conversation with him. Jerry was going to attempt to attend the Hazard

- Mitigation meeting held on March 18, 2010. E-Mail from Jerry asking for a list of equipment and Ray's response. 3 propane tanks of 250 gallon each were not listed on the original listing.
7. Work Waiver Form. No action the Work Day has been cancelled, as we had no response from Bellefonte High School students.
 8. No ordinance for well drilling has been received at this time. Planning Commission is to talk about this at the meeting on April 21st.
 9. Bellefonte EMS Resolution proposal for adoption and signatures. Hold off till next meeting.
 10. Information received on Propane Tanks for liability. Nothing further received on this issue whether to change companies. Aberegg stated hold off till in the fall and make a decision. Usage has gone down.
 11. E-mail from McCauley requesting a change to the February minutes. Per Brian his reference to mileage was not referring to going for parts. No action minutes are already approved.

New Business:

1. Nittany Valley Joint Planning Commission (NVJPC) – No Reports
2. Park & Rec – March 3, 2010 minutes. Minutes of Park & Rec meeting with Don Franson February 17. Discussion on spending limit for Director of Park & Rec was set at \$500.00 for his credit card. Roan presented the three quotes for work to be completed. YBC \$710.60 without the hot water heater or double sinks. Triangle Bldg. \$1160.52 with the hot water heater but no double sinks. Lowes for \$1220.92 with hot water heater but no double sinks. **Gutshall made a motion we accept the YBC bid with the additional purchase of a hot water heater and double sinks. Aberegg 2nd Aberegg – yes Gutshall – Yes Roan – Yes.** McCauley questioned the use of steel roofs that the sun will shine and cause a glare to the baseball players. Triangle Building estimate for the roof was \$1046.00 and McCauley asked about other bids on the roofing. Triangle was the only one to lift the roof for us. Cost was only \$10.00 from Triangle. McCauley wants YBC to have an opportunity to bid. More bids will be gotten for the roofing. **Aberegg made a motion the Park & Rec Director may spend a maximum of \$500 on his credit card for Park items. Gutshall 2nd Aberegg- yes Gutshall – Yes Roan – Yes (Secretary noted that the YBC and Lowe's bids both have sales tax. We DO NOT pay sales tax.)** Roan asked to have a load of 2A stone for the driveway from Hanson to build the road back up. **Aberegg made a motion that the Park & Rec Director may order a load of 2A stone for delivery to the Park. Gutshall 2nd Aberegg – yes Gutshall – Yes Roan - Yes** He also needs mulch for the trees and may purchase that with his credit card. Roan needs the truck on Saturday AM. Five of the trees donated by Dennis Burd have died and will need replaced, he will contact Burd. Electric and sink needs to be completed. Sign was on top of the concession stand where press box is. Problem is putting that up another five feet the wind may pull this off. Roan recommends it be put on the front of the press box out towards the road. Gutshall asked when the memorial from the Boy Scouts will be used. Roan recommends a bench and walk way be put in and all "fallen veterans" be recognized. Big problem with birds and a screen will be needed to keep the birds out of the dugouts. Rest room tanks are to be pumped quote was for \$1.95 per gallon. Secretary will call have the tanks pumped and instruct them to let us know when they will come to have the tanks unlocked. Gutshall questioned running water. Aberegg stated we had decided that we do not want water out there. Roan said we could use water to clean the bathroom. Question raised on the loss of water and breaking the pump. A limiter could be put onto the pump. Will be looked into in the future. Signage from Orie for the Grant sign. DCNR will be reviewing the plans and with their blessing we will begin the Youth and Toddler Playground. The soda is selling well at the Park. Franson sent an e-mail saying he has sent the plans to DCNR for review and he has completed the easement and plats for the Slaughterhouse Road Culvert.
3. Zoning Report for March 2010 – Discussion on the zoning officer mileage of 70 miles a month. Discussion held that if the employees, board members, elected officials and residents find something wrong they will let the secretary know and she will notify Tim. Aberegg wants all problems to go through the office so everyone will be notified. **Aberegg made a motion we restrict the Zoning Officer's mileage to only necessary calls on zoning inquiries and no longer will he be required to make a monthly township check. Gutshall 2nd Aberegg – yes Gutshall – Yes Roan – Yes** All mileage sheets must be signed from now on. Instructions that appear on the web-site for Zoning Permits and Building Procedures allowing the ZO 30 days to complete a permit. Power Point slide from the PSATS New Supervisors Seminar concerning ZO stating no Elected Official is to interfere with the ZO unless his 30 days has expired. McCauley stated he as Chairman of the Planning Commission needed to know what was going on for the farm issue and the sewage pits and this kind of stuff. He did it as the Planning Commission Chairman and he is not elected to that he is appointed to that. **Aberegg stated that all elected officials and employees of the Township should act professionally. (Secretary's Note: All persons who are elected, appointed or employees of the Township are reminded that they are in that capacity no matter where they may be or whom they are speaking with. Anything said or done reflects on Marion Township.)** If someone is out of the office that is all that needs to be said. Zoning Hearing Board – Secretary is to contact PSATS to determine what happens if we do not have a Zoning Hearing Board. How are we to handle this? Three people are needed for the board and they cannot be elected or employed by the Township. **Put Zoning Board on the agenda for next meeting.**
4. Planning Commission Minutes for March meeting – No comments on report. McCauley stated that Bob Jacobs of the County will not give us any part of their fee dollars. We can add the fees the same as the County by Ordinance. **Roan made a motion the Planning Commission propose an Ordinance to the BOS. Aberegg 2nd Aberegg-Yes Gutshall – Yes Roan - Yes**
5. Head Roadmaster – FYI Salt Contract approval for 2010-2011. Thank you note received. Time sheet and mileage approval for March payroll. Checks will be issued after all are approved at the meeting. Time Sheets for

March. Gutshall has a problem with the HOP there is not a line for approval when the driveway is completed. He will modify the HOP to show the line items he wants revised. **Aberegg made a motion to allow the Head Roadmaster to modify the HOP to show the appropriate lines for pre-inspection and post-inspection with signature and dates. Roan 2nd Aberegg- Yes Gutshall – Yes Roan - Yes** Gutshall will meet with Matt Kenepf and go over all the roads in the Township. He will also go over which signs the Township are responsible for and what the responsibility of the State is in regard to signage. He may repair Weights Lane instead of the Slaughterhouse Road. He asked if we can use the grant for the Slaughterhouse Road for the Weights Lane project. We cannot. A permit is 3 years, the length of time on the grant needs to be determined. He discussed with Chris Manic about snow plowing of Rt. 26 to Howard, etc. This would be more Liquid Fuels money. Metzler will be meeting next week appears to be no damage to the road and the bond can be released. Roan stated where the pipe that was put in last summer has settled and must be repaired in Walnut Ridge. A time clock will be placed for use by all employees except the secretary. **NO ONE SHOULD PUNCH IN ANYONE ELSE'S TIME CARD.** Aberegg stated that if that happens the employee is to be fired on the spot. Aberegg asked questions on the Head Roadmaster's mileage of 23 miles for Walnut Ridge and 11.25 hours work. Aberegg has an issue with that. On 3/19 George and Todd worked 3 hours each to brush the roads. How are both employees running the brush tractor at the same time? Gutshall explained both work together, one runs the brush tractor and one runs the blower and blows off cul de sacs and side of the road. Roan stated that the Cul-de-Sacs are not done in the Foothills. Gutshall stated they have all been completed today. Aberegg made a statement as an elected official—there is only one person he trusts with Marion Township's money that is Parente Randolph. Walker Twp has been billed for the work done there. Ken Roan does not charge hours but does charge mileage when going for parts. **Aberegg stated we are not going to pay mileage and hours to pick up a part. Gutshall stated that it would be charged either one way or the other no more charging for both hours and mileage. It will be either mileage or time for picking up parts.** A meeting/seminar will be paid both hours and mileage if the BOS requires going to the meeting. Aberegg stated that Ray should not be driving his truck to Walnut Ridge to check on his employees constantly. If the work is not done properly he should make some changes. The mileage is too much. Discussion on how the pay is set up for the Roadmasters vs. Laborers. Right now things will remain as they are. Aberegg said work done at the Park is unfair as the laborers are doing specialized work and receiving laborer pay. Gutshall stated the laborers would be utilized whenever he can possibly use them. Roan said to leave it alone for now. He and Orié are doing the work using their expertise and their own equipment and he does not want to create more issues.

6. Centre County Solid Waste February 2010 report – No action needed
7. Centre County Planning letter dated March 18 to Gregory & Shawnie Butts – Stan Wallace presented a Butts Planning Module to the BOS for a signature. **Roan made a motion to sign the DEP Component 2 Planning Module Gutshall 2nd Aberegg – Yes Gutshall – Yes Roan – Yes** Aberegg made a motion to adopt **Resolution # 2010-5 to update ACT 537 sewage facility plan. Gutshall 2nd Aberegg – Yes Gutshall – Yes Roan - Yes**
8. Centre County Planning and Community Development Office letter to Nittany Farm Subdivision – 2nd Extension of time. No action needed Letter from County Planning Office dated March 22nd concerning change request for private driveway and HOP for Mihalik driveway. Aberegg stated that this is really between Burwell, Mihalik, Henry and the property owner. Fred Henry has an agreement to allow the existing driveway to remain where it is. Roan stated according to the Planning Commission when the original plan was signed off it was to be moved. There is 40' of drainage off Farmdale Road into a 18" culvert to be installed at the entrance to Farmdale Road. Franson has approved this drainage plan. Original maps were looked at versus the current recommendation. Much discussion ensued on the subject. Mihalik has been trespassing for a number of years on to Lorenz's property. Mihalik did not want to pay for this driveway change to comply with the property. Aberegg stated this is not a Township issue but a legal issue with the Property owner and Mr. Mihalik. **Aberegg made a motion we do not approve the exiting driveway. Mihalik's driveway must go onto Farmdale Road, as this existing driveway would be in violation of Ordinance 1995-32. (Sec 4, Letter F) the two driveways are going to be too close and they must be within a 50' separation of each other. Roan 2nd Aberegg – Yes Gutshall – Abstained Roan – Yes** Secretary will send letter to Anson Burwell with a copy to Henry stating the above disapproval and the reason.
9. PSATS Proposed By-Law Changes to be considered at the April convention - Aberegg is not satisfied with the 10-17. He feels that the elected auditors should be eliminated. PSATS Opposes he believes we should Support that. Roan and Ellie have a vote and will vote to Support if requested. 2nd Class Code will need to be changed for this to pass.
10. HRI letter dated February 26, 2010 and listing of tanks - No action needed
11. Kepler pool letters – Centre County Christian Academy – Sherri Pacella, Centre County Christian Academy, and Wee Wisdom Play School letters were read. Discussion held found that it appears Bellefonte Borough is not concerned if this pool stays open or not. It has not been making any money and the dollars being put into it are not helping. Too many improvements are needed. Supervisor's consensus is that the previous vote stands to not support this project unless changes are made.
12. Zone Bonds e-mail from Commissioner Eich was sent to all here be the original e-mail and Jack's response with the interest info replay from Eich. – We do not need to borrow any money at this time.
13. Zoning Hearing Board – See Zoning Above.
14. Violation letter received from DEP concerning accident in Marion Township- No Action needed
15. County Planning letter March 29, 2010 – Final Lot Plan Addition for Jacob Esh No action needed
16. County Planning letter March 29, 2010 – Final Lot Plan Addition for Emogene Snyder No action needed
17. County Planning letter March 29, 2010 – Final Subdivision Plan for Phase 6R of the Woods at Sand Ridge No action needed.

18. Miscellaneous Items: 1. Election Board Keys -Gutshall will take a key to the Election Board for the front door. We will need to have another key made. 2. Dry Hydrant keys. Two locks should be on this. **Roan made a motion that Howard Fire Company give us a key to the dry hydrant fence and we give them a key to the other lock on the fence. Gutshall 2nd Aberegg-Yes Gutshall – yes Roan – Yes** 3. Allegheny Power – e-mail concerning receiving lights for free. 4. PLGIT Proxy vote to be sent back. Ignore. 5. FYI Marion Township had an 84% response to the 2010 Census.

Roan questioned if the old batteries have been returned for the \$20.00 core charge, charged by NAPA? Gutshall not sure if they have been returned. He will check on it. All of these items were delivered to Bartley's Garage. (This had been an issue previously.) Aberegg asked about the minimum of propane for the tanks. They appear to be on an automatic fill-up system.

A separate listing was included for payment of bills that had been made out today.

Aberegg made a motion to accept the Treasurer's Report and pay the bills. Gutshall 2nd Aberegg-Yes Gutshall – Yes Roan – Yes.

Treasurer's Report: (APR 78-81) including the list of checks written to date for approval with Treasurer's Report. (Some checks were mailed and the balance is being presented for signatures at this meeting.) Checks listed above are from March 4th through April 8th, 2010. Check numbers and the amounts are on the listings and it will be included with the official minutes for filing.

PLEASE NOTE ALL BALANCES BELOW ARE AFTER ALL CHECKS HAVE BEEN WRITTEN.

General Payroll ---	\$ 619.67	Jersey Shore Park Account ---	\$82,119.80
PLGIT General -----	\$7.27	Jersey Shore/State Equipment --	\$10,686.06
Jersey Shore General ---	\$96,795.81	Jersey Shore State Fund ---	\$52,390.35
		PLGIT State Fund ---	\$945.51

Aberegg made a motion to Adjourn. Meeting held April 13, 2010 was adjourned at 9:35 p.m.

Respectfully Submitted,

Ellie Trulick
Secretary/Treasurer

Jack Aberegg, Chairman

Ray Gutshall, Vice Chairman

Kenneth L. Roan