

1. **CALL TO ORDER**

Chair Mark Stevenson called the meeting to order at 7:00 p.m. Other Supervisors present were Barbara Spencer, Andy Merritt, Todd Kirsten and Ben Pisoni. Staff present were Susan Steele, Township Manager; Amy Smith; Township Clerk; Scott Brown, Roadmaster; Don Franson, Township Engineer; D.J. Liggett, Township Planner; Kathleen Yurchak, Township Solicitor. Residents & others in attendance: Richard Schuettler, PML; Gail Markovitz, PML and Jean Pugh, PML.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

3. **CITIZEN COMMENTS**

There were no citizen comments.

4. **MINUTES**

- ***MOTION: Mr. Kirsten moved to approve the meeting minutes of February 12th, 2015; Mr. Pisoni seconded; Vote 5-0-0; Motion Carried.***

5. **BILLS LIST**

- ***MOTION: Mr. Kirsten moved to approve the Bills List dated March 12th, 2015; Ms. Spencer seconded; Vote 5-0-0; Motion Carried.***

6. **TREASURER'S REPORT**

Mr. Kirsten stated there was an error in subtraction in the general fund excel spreadsheet formula. Ms. Steele said she would review and then bring back to the supervisors for approval at their 3/26/15 meeting. Approval of Treasurer's report deferred to March 26 meeting to enable staff a chance to review and correct.

7. **PENNSYLVANIA LEAUGE OF MUNICIPALITIES PRESENTATION**

Mr. Schuettler, Ms. Markovitz and Ms. Pugh reviewed advantages, training and services offered by the PA League of Municipalities. Ms. Spencer questioned whether State Representatives attend the League Conference as they do the PSATS Conference. Mr. Schuettler stated that yes, State Representatives are invited and do attend the League Conference. Mr. Brown commented that the CDL Drug/Alcohol Program is administered by PSATS as well as LTAP training. Mr. Stevenson requested staff compile a list of the pros, cons and cost differences between the League and PSATS to be discussed and presented to the supervisors during FY 2016 budgeting sessions.

8. **APPEAL OF BRENDA BLACK OF MANAGER'S ADMINISTRATIVE DECISION OF 2/3/15**

Mr. Stevenson stated he is hesitant to discuss this agenda item since the complainant did not appear on her appeal in front of the supervisors and therefore believes the Manager's decision stands. Ms. Yurchak stated there is no formal appeal process so essentially the Board only can discuss the situation. Mr. Stevenson asked Ms. Steele to present the powerpoint she prepared summarizing the situation.

Ms. Steele's presentation indicated Ms. Black came into the office to lodge a complaint regarding the Public Work's maintenance of the Township right of way in front of her property. Ms. Black felt the Township Road Crew trimmed trees higher than need be and left jagged edges on a branch and would now like the Township to compensate her in getting the limb fixed. Ms. Steele stated she told Ms. Black that the next time trimming took place it would be placed on the list serv and website as to where and when this would happen and would investigate and research the issue. Ms. Steele also told Ms. Black she would look into different avenues outside of the Township's website and updates to inform citizens of road work conducted. Ms. Steele stated that her investigation showed that when the developer deeded the road to the Township, the deed indicated a 50 foot right-of-way. Ms. Steele then looked at the Township Code which indicated all local roads (Cedar Ridge a local road) have a right of way of 50 feet. She spoke to other municipal public works crews (Gregg Township who has the same large lot rural subdivisions) who stated they went up higher on right-of-ways than the 15 feet that the Public Works did in front of Ms. Black's property. And finally she had the Township's public works crews measure the tree to see if it was within the Township's right of way and found the tree and branch were 20 feet from the center line and the right of way extends to 25 feet. Therefore, in conclusion she found that the Public Works

crews had worked within Township Code, Deed of Dedication and Best Practices and could not justify compensating a property owner for work done within a Township right of way. Ms. Black appealed the manager's decision to the supervisors.

Mr. Stevenson commented that the road crew has to do what they feel is necessary to maintain roadways. Mr. Stevenson stated next time the road crew trims this area again to contact Ms. Black first (maybe put a note in her file) and then it is up to her whether she wants to take care of any brush or limb removal within the Township right of way herself before the Township Roadcrew takes care of it.

Ms. Spencer commented that machine the Township rents for one week each year shreds trees and questioned whether it could be done in a better way. Mr. Brown stated it could if the township rented a bucket truck, had three – four men on the ground and a certified person in the truck. Ms. Spencer stated there should be some element of respect. Mr. Brown stated the mower they use to trim limbs cost 1800.00 a week. Ms. Spencer stated citizens should be notified the day before trimming takes place. Ms. Spencer stated this is what the UBEH COG is about, to share costs on a purchase of a bucket truck. Mrs. Steele said she would look into a cost of a bucket truck purchase and certifying individuals to as part of the FY 2016 budgeting sessions. But it might be that one week's of needing same would not justify the cost. Mr. Brown reiterated that you have to be certified to be in the bucket truck. Mr. Brown stated the COG municipalities did get together at one time to discuss purchasing a mower truck jointly.

Mr. Pisoni stated the Township has been trimming and mowing roadsides for 20+ years and has only had one major complaint. Mr. Pisoni commented that yes, it is ugly, but only for the first year. Mr. Pisoni feels it is cost prohibited to use a bucket truck. Mr. Kirsten commented that it is why taxes go up.

Ms. Spencer questioned whether the Township could give a 14 day notice and if it is not done in that time than the Township does it for you. Mr. Stevenson stated it should continue to be put on the list serve and website. Mr. Brown stated he goes around a week or two prior to renting the trimmer and determines where trees need trimmed and asked how much the Board wants to spend on one person. Mr. Brown commented that if he can reach the limb he does cut it but if he can't reach it he has to use the rented mower. Mr. Stevenson stated that more equipment means more taxes.

Mr. Kirsten questioned how the roads held up over winter. Mr. Brown commented, not well. Ms. Steele stated Mr. Brown and Mr. Franson had scheduled going over the roads to revise the 1-10 capital improvements road plan to be presented at the 3/26 meeting but due to the weather had not had a chance to do so but were scheduled for a future meeting.

9. ETHICS FORM DISCUSSION

Ms. Steele stated that staff and past boards always required that all ABC's, staff and the Board of Supervisors fill out the Financial Interest Statement (Ethics Form). Ms. Steele commented that an Open Space Board member this year questioned the validity of this and as a consequence she contacted General Counsel of the State Ethics Commission, Robin Hittie on the matter. Ms. Hittie stated that the question was not if advisory board members should fill one out—as that was clear within the statute they should not—but what elements comprise an advisory board. Do they hire or select people? Do they make decisions that might cause an economic impact to the municipality's citizens? Do they enter into agreements to purchase or for supplies on behalf of the Township? If they do any of these things then they are no longer advisory in nature but public officials and must fill out the financial statement. Ms. Steele stated she then went on and read to Ms. Hittie the Township's Open Space Ordinance. Ms. Hittie stated after hearing same that she felt the Open Space Board rating each piece of land might exclude properties from entering the program and therefore recommends requiring them to continue filling out a financial statement. However, she stated she could not give a written ruling because a third party member after a decision was made had to appeal it. Therefore, she was recommending that Ms. Steele require the Open Space Board members to continue to fill out Financial Statements and then if a member objects, the process is for he or she to appeal to the Ethics Board who will then render a written determination and ruling. She also stated that Planning Commissions are specifically advisory in court decisions and the Township's Parks and Recreation Board who enters into agreements and hires individuals on behalf of the Township, although minor, should also continue filling out the forms and then, like with the Open Space Board, if a member objected that member could appeal to the Ethics Board for a written ruling. Ms. Steele forwarded this information to the Board of Supervisors and all ABC members with decisions based on the Ms. Hittie's recommendations that: Planning Commission no longer fill out financial interest statements, Open Space Board and Park Board members continue to do so. Ms.

Steele stated that an Open Space Board member objects to this decision, does not want to go through the Ethics Board as required, and as a consequence wishes for the Board of Supervisors to make a decision.

Mr. Stevenson commented that since there was no ruling from the Ethics Commission he reached out to Patton Township, Harris Township and the State College Borough to test whether or not an individual has to fill out the ethics form. Mr. Stevenson stated he was told that if an individual can spend money outside the Board of Supervisors that they should fill out the form. Mr. Stevenson does not feel the Open Space Preservation Board or Park & Recreation Board should have to fill out the form. Mr. Stevenson stated although the form is innocuous and should be no problem filling them out, it serves no purpose to the Township.

Mr. Stevenson stated his recommendation is that only staff, Zoning Hearing Board and Solicitor, Library Representative, Board of Supervisors and Auditors fill this form out. Mr. Stevenson commented that he was told that the Library Representative does make financial decisions without coming to the Board of Supervisors. Mr. Merritt stated he disagreed and the Open Space Preservation Board does make land rating decisions and financial recommendations and they should fill out the form. Mr. Kirsten stated that letter C is open for interpretation. Mr. Kirsten commented that although he does not think the form is a big deal he understands why some would not want to divulge information.

Ms. Steele clarified the Board of Supervisors directives for the record: The Board of Supervisors is changing the policy and the Board of Supervisors are no longer requiring the Planning Commission, Open Space Preservation Board and Parks & Recreation Board to fill out the ethics form.

10. PUBLIC HEARING ON ORDINANCE 2015-04, AN ORDINANCE OF THE TOWNSHIP OF HALFMOON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE REVISED JOINT ARTICLES OF AGREEMENT FOR SCHLOW CENTRE REGION LIBRARY MEMBERSHIP

Mr. Stevenson opened the public hearing at 8:32 p.m. No comments. Mr. Stevenson closed the public hearing at 8:33 p.m.

- ***MOTION: Ms. Spencer moved to approve Ordinance 2015-04, An Ordinance of the Township of Halfmoon, Centre County, Pennsylvania, adopting the revised Joint Articles of Agreement for Schlow Centre Region Library Membership; Mr. Kirsten seconded; Vote 5-0-0; Motion Carried.***

11. REPORT OF SANDRA PODGURSKI TITLE SEARCH BY OPEN SPACE ADMINISTRATOR/TOWNSHIP SOLICITOR

Ms. Steele stated at the February 12th meeting, the Board of Supervisors approved the Podgurski Open Space Preservation Application and ten year advance contingent upon a clear title search. The title search was conducted and Ms. Yurchak found there was not a clear title. As a result, the staff recommends the Supervisors withdraw approval of this application. Ms. Yurchak explained there were two issues: the deed issue which has been cleared up and an estate tax that has never been paid which still needs to be resolved. Ms. Smith stated she has contacted Ms. Podgurski regarding this issue and has not heard back from her whether she has any documentation on this matter or not.

- ***MOTION: Mr. Kirsten moved to withdraw acceptance of the Sandra Podgurski application until title issues are cleared; Ms. Spencer seconded; Vote 5-0-0; Motion Carried.***

12. REVISED TOWNSHIP MANAGER ORDINANCE DISCUSSION

Ms. Steele reviewed the changes Ms. Yurchak made to the Township Manager Ordinance. The Board reviewed all comments and directed Township Solicitor to make changes accordingly and then prepare for public hearing.

- ***MOTION: Ms. Spencer moved to approve revised Chapter 31, Article 1 of the Township Code (Township Manager position) as revised by Township Solicitor and to set for public hearing on April 9th 2015 at 7:00 p.m.; Mr. Kirsten seconded; Vote 5-0-0; Motion Carried.***

13. REVISED PARKS AND RECREATION CODE DISCUSSION

Secretary

Mr. Kirsten provided additional comments to the revised parks and recreation code document that had been reviewed by the Township Solicitor. The Board reviewed all comments and directed Township Solicitor to make changes accordingly and then prepare for public hearing.

- **MOTION:** *Mr. Kirsten moved to approve revised Chapter 169, Parks and Recreation of the Township Code as revised and to set for public hearing on April 9th, 2015 at 7:00 p.m.; Ms. Spencer seconded; Vote 5-0-0; Motion Carried.*

14. MOTION TO APPROVE SMITH ROAD SPECIFICATIONS AND ADVERTISE FOR BIDS

Ms. Steele commented the bid was spec'd for widening the curve and paving to S.R. 550. Ms. Steele reminded the Board they were approved for a 20,000.00 grant towards this project. She also stated there would be a meeting with residents regarding time schedule, traffic rerouting, and other issues conducted by the Township Engineer and Roadmaster prior to the project beginning.

- **MOTION:** *Ms. Spencer moved to approve the Smith Road specification and advertise for bids; Mr. Pisoni seconded; Vote 4-1-0; Messrs. Stevenson, yea; Pisoni, yea; Merritt, yea; Ms. Spencer, yea; Mr. Kirsten, nay; No abstentions; Motion Carried.*

15. MOTION TO APPROVE CHANGING DFFINED BENEFIT PENSION PLAN ALLOCATIONS AS RECOMMENDED BY CHAIRMAN, MARK STEVENSON AND MANAGER

Mr. Stevenson reviewed his recommendations to the pension plan allocation. Mr. Stevenson commented that this will help close the gap.

- **MOTION:** *Mr. Kirsten moved to make changes as recommended by Mr. Stevenson; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.*

16. REVISED PERSONNEL MANUAL DISCUSSION

Ms. Yurchak reviewed her suggested revisions had for this document. The Board reviewed those changes and questions and requested Ms. Yurchak revise the document in final form to bring back to the Board for review.

17. MANGER REPORT

Ms. Steele provided a copy of the Manager report. Mr. Stevenson questioned whether the Township should invest in a mixer to pre-treat roads prior to winter weather as Penn Dot does. Ms. Steele stated she did not recommend it as the ice storm in question was a one-a-year event, but would look into the cost to bring back to the supervisors for discussion at budgeting time.

Mr. Stevenson commented that he does not agree with rubber stamp signatures. Staff commented that the stamp is not used on financial matters but more for plans in his absence.

18. SUPERVISORS' REPORT

Mr. Merritt thanked the Road Crew for a good job.

Mr. Stevenson stated he had the tabulation on the recycling bins and will bring it back to the next meeting.

19. ADJOURNMENT

There being no further business before the board, the meeting was adjourned at 9:50 p.m.

- **MOTION:** *Mr. Kirsten moved to adjourn the meeting at 9:50 p.m.; Ms. Spencer seconded; Vote 5-0-0; Motion Carried.*

Secretary