

**Main Township Supervisors Meeting  
November 5, 2018 7:00 pm**

The meeting began at 7:00 p.m. with the Pledge of Allegiance.

Present for the meeting were:

Robert Frey, Supervisor  
Thomas Shuman, Supervisor  
Robert Baylor, Supervisor  
Jack Pollard, Police Officer

Lisa Schell, Secretary  
Larry Frace, Zoning Officer  
Matt Turowski, Solicitor

**Minutes of Meeting**

Lisa read the minutes of the October 1, 2018 meeting. Tom made one correction, under Public Comments, he stated the "erosion liner will rot out" not "will not". Bob Baylor made a motion to accept the minutes with the correction; Tom Shuman seconded the motion.

**Treasurers Report**

Previous Balance in General Checking:	\$261,639.08
Deposits Received	\$ 14,651.52
Bills Paid	<u>\$ 24,924.92</u>
Current Balance	\$251,365.68

**Employer Tax Account Fund**

Previous Balance	\$ 947.82
Deposit from General Fund:	\$ 1,200.00
PA UC Fund	\$ 357.89
PA Department of Revenue	\$ 172.90
PA Department of Revenue	<u>\$ 5.00</u>
Current Balance	\$ 1,612.03

**Special Account**

Current Balance	\$ 200.00
-----------------	-----------

**State Fund**

Previous Balance	\$168,488.45
Interest	\$ 191.58
Bills Paid	<u>\$ 86,509.07</u>
Current Balance	\$ 82,170.96

**Public Comment**

Jack Lenhart stated that there is a new business in town, Butch's Tools located next to the country store.

Kim Orzolek stated that the September minutes did not reflect that she was referring to the definition of Air B&B as a common term, not a legal term.

Mr. Bodman asked what the payment of \$5,393.41 to Sunbury Motors was for. Bobby stated that the 2009 White Ford was making a whistling noise and to repair it they had to remove the manifold and bolts to the head. It was also serviced while there. Since it is a 2009 there was no warranty on the work.

Mr. Bodman asked if the township could take a look at the low spot a few feet back from the erosion control line near 81 Church Road since there is a hole that is opening up. Bobby stated that they will need to repair with cold patch. Mr. Bodman asked if in the short term they would put some 2RC down.

Mr. Bodman asked if the township would consider installing Ag Security signs at all entrances to the township to avoid litigious issues like Salem Township is having. Bobby asked if Mr. Bodman would provide the supervisors with a copy of the signs so they could see what they look like. Tom stated he agreed with the idea, but stated he was not sure it would make a difference. Mr. Bodman felt it was a protection for agricultural producers.

Mr. Turowski stated that the Ag Security properties are recorded at the courthouse, but they will not come back in a title search unless it is part of your property. The purpose of the Ag Security Area Properties is to allow townships to provide a level of protection against nuisance lawsuits against the farming properties such as spreading manure, dust, noise from machinery, etc.

Mr. Bodman stated that PennDot has new regulations regarding road signs and wondered if the township is aware. Tom stated that they are aware of the change to 8" tall reflective paint road signs. He is not sure of the time period to allow for the change out, but he thought it may be 10 years for replacement. The township will purchase the new reflective signs when they are replacing them.

Mr. Bodman also inquired about Ordinance #2 of 1989 which establishes a Planning Commission and asked if there is one? Tom stated that it was established to work with Jerry Walls who wrote the first Zoning Ordinance and Dave Broadt was president. Dave stated they only assisted with establishing the first Zoning Ordinance. Mr. Bodman stated that the township may be ignoring its own ordinance. Mr. Turowski stated that he is unfamiliar with the ordinance and that he would have to review it to see if there were any sitting members established. He felt from his understanding from the discussion was that the committee most likely established just to assist in the writing of the zoning ordinance since all plans must go thru the County. Mr. Turowski will review the ordinance and inquire with Columbia County and if warranted the Ordinance may have to be repealed. Mr. Bodman stated there is no reference to the Township Planning Commission in the new zoning ordinance.

Mr. Bodman also wanted it on record that he feels the township should adopt a property maintenance ordinance.

## **Old Business**

### **Township Building Repairs**

Tom stated that township building roof has been repaired by Nate Laubach. He also stated that the front door has been repaired by Merrill's Lockshop.

### **Equipment Repairs**

Bobby Frey stated that the clutch pack went out on the Case International and it was repaired by Larry Marhelko. He also stated the rear had to be rebuilt in the yellow 2006 truck.

### **Abandoned Trailer**

Jack stated the wrote a letter to PennDot requesting the vehicle be salvaged and provided Dave Michaels information as the salvager. He is waiting for the approval from PennDot and then Michael's Disposal can remove the trailer.

## **New Business**

### **Ordinance #1 of 2018 – Zoning Ordinance Adoption**

The Public Hearing was held on October 23, 2018 at 6:00pm at the Fire Hall and the changes discussed at the hearing were made. The supervisors have decided to adopt the ordinance with the changes. Lisa read Ordinance #1 of 2018 – An Ordinance to Adopt and New Zoning Ordinance and Zoning Map; To Provide for the Repeal of Conflicting Ordinances; To Provide For Severability; To Provide for an Effective Date and For Other Lawful Purposes.

Bobby Frey made a motion to adopt Ordinance #1 of 2018; Tom Shuman seconded the motion, and Bob Baylor was in favor.

### **Resolution #1 of 2018 – Administrative Process for Tax Appeal Process**

Mr. Turowski stated that the township was served with a Local Realty Transfer Tax Refund Petition by Norfolk Southern Railway Company. Norfolk Southern alleges that it overpaid \$4,662.29 in September 2015 for realty transfer taxes when certain railroad rights-of-way were transferred. Norfolk Southern Railway Company is claiming they are entitled to a refund of all realty transfer taxes paid because the transfer was exempt from realty transfer tax.

Matt stated that Main Township, Catawissa Borough and Southern School District were all served, and he has been in touch with their solicitors to determine a unified strategy. Mr. Turowski also stated that in review of the matter he discovered that Main Township does not have a procedure to address taxpayer refund petitions to either grant or deny the refund and this particular tax at issue is subject to an appeal process set forth in the Local Taxpayer Bill of Rights Act.

Mr. Turowski stated since there is no formal process in place to address the petition, he prepared Resolution #1 of 2018 – Establishing an Administrative Process to Make Determinations of Petitions from Taxpayers Relating to the Assessment Taxes as Defined in the Local Taxpayers Bill of Rights, which if the supervisors would adopt, would allow them to

conduct a meeting in executive session to act to either grant or deny the appeal petition and then send a letter to Norfolk Southern on the decision of the appeal petition.

Cindy Hoffman asked if the administrative process would apply to all taxes. Mr. Turowski stated that real estate taxes are excluded. Mr. Edwards asked about the Local Taxpayers Bill of Rights and Mr. Turowski stated it is a State law.

Tom Shuman made a motion to adopt Resolution #1 of 2018 – Establishing an Administrative Process to Make Determinations of Petitions from Taxpayers Relating to the Assessment Taxes as Defined in the Local Taxpayers Bill of Rights; Bob Baylor seconded the motion; all supervisors were in favor.

The supervisors then went into an Executive Session at 7:45pm to make a determination on how to handle the Norfolk Southern Appeal of the realty transfer tax request.

The supervisors returned and Mr. Turowski stated that it was the decision of the supervisors to deny the petition for request of a refund by Norfolk Southern and move forward with Mr. Turowski's unified strategy with the other party's involved.

### **2019 Budgets**

Lisa stated that the 2019 Budgets will be advertised and posted for adoption at the December meeting.

### **Sewage Officer Report**

Lisa stated no report was received for the month.

### **Zoning/Construction Report**

Larry Frace provided the following report for October:

#### Zoning Permits

No permits were issued

#### Construction Permits

No permits were issued

#### Zoning Reports

Received an application for Ag building at 558 East Hillcrest Drive – he signed an exemption form since no permits are needed.

Zoning violation for a residence in an Ag building; violation sent to owner and owner indicated he would obtain the necessary permits.

Tom made a motion to approve Zoning/Construction Reports; Bob Baylor seconded the motion.

### **Police Report**

Jack read the October report:

154.5 hours

1,016 miles  
0 Incidents  
Traffic Citations – 8  
Non-Traffic – 0  
Non-reportable Accident - 1  
3 - Other Calls

Tom made a motion to accept the October Police Report; Bob Baylor seconded the motion.

Mr. Edwards asked when the township will purchase a new patrol car for the police. Bobby Frey stated not until the new truck gets delivered. The truck was ordered was supposed to be here in August; however, the employees who build the trucks were off due to the floods up north, so now the truck is scheduled to be delivered in December. The police car is still in good working order, but the next one they purchase will be a 4-wheel drive vehicle.

Kim Orzolek asked that the supervisors take a look at sections 703.4 and 703.5 of the zoning ordinance since they may need to appoint an engineer for the township. Mr. Turowski stated that no one needs appointed at this time.

She also asked how soon the copies of the zoning ordinance would be available to purchase. Mr. Turowski stated that he would have copies made and would get them to Lisa and Tom stated that he is looking into getting copies of the maps made that are readable. The cost of printing them may be expensive so he is going to check with Staples on a price.

Mr. Bodman asked that the total price was for adopting the ordinance. Tom stated they don't have all the cost right now, but it added up since the cost of just advertising for the hearings was around \$576 each time, Carson's costs, stenographer fees, etc. They township did estimate it would be @ \$20,000 when they started the process.

Mr. Frace stated that he did receive notice that the appeal was not granted for the UCC decision at 108 Mt. Pink Road, so they must be in compliance with the UCC codes to operate the bed and breakfast.

Kim Orzolek asked if they are allowed to operate and Larry stated no and he will send a letter to the owners. Larry also stated that any complaints on the bed and breakfast should be sent to him.

With no further business to discuss, Tom made a motion to adjourn the meeting at 7:50pm; Bob Baylor seconded the motion.

Respectfully submitted,

Lisa Schell  
Secretary