

MT. PLEASANT TWP. BOARD OF SUPERVISORS' MEETING OF OCTOBER 28, 2015

The meeting of October 28, 2015, was called to order at 7:00 p.m. by Chairman Farner with the Pledge of Allegiance to the Flag. Those present were: Gary Farner, Chairman (GF), Dencil Backus, Vice-Chairman (DB), Brian Temple, Supervisor (BT), Tom McDermott, Solicitor (TM) and Mary Ann Stevenson, Secretary (MS).

Matters Concerning Business of the Township: None.

Public Comments Regarding the Agenda:

1. Jane Worthington (JW), 135 Main St., commented on Ordinance 135 adopting the 2015 IPMC. She stated she is not in favor of the adoption for reasons such as: having 1 person as the only person in charge of enforcement and only 1 person rendering interpretations, as well as, the certification requirements for this enforcement officer and his ability to enter homes. TM stated the code officer does not need special certifications. He added the IPMC has more procedures to follow, more due process and is more objective. He added the code officer has to get permission to enter a building or he has to get a warrant. JW stated she would like the board to take more time and have public meetings to discuss this issue by issue.
2. A.J. Cowden, 94 Waterdam Rd., stated he is not in favor of the IPMC and added he shouldn't be told when to put screens in his windows as one example. He stated the people have enough governance and this is a bad idea. BT stated the board was asked by the fire department to adopt this due to safety issues they were having when responding to calls. He added this is a life, health and safety issue. BT added, with respect to grass height, agricultural activities are exempt under this ordinance which falls under the farm act.
3. Doris Grimm stated she has real concerns for people who are too poor or elderly to adhere to some of these regulations as it is very restrictive and not practical. She added that this will pit neighbors against neighbors and will be expensive to the residents and is a cycle for failure. She agreed; less government is better.
4. Cindy Simmons, Loffert Rd., stated she is not in favor of this ordinance. She added if fire and safety are the concerns, then she suggested the board address those specific issues in a separate way. She added that people move to the county for their independence; to move away from those types of rules and regulations.
5. Rebecca Skirpan, Avella Rd., agreed she is not in favor of the IPMC. She questioned how to enforce it; how do you pick and choose who or what to enforce; that you either have to enforce everything or enforce nothing and it shouldn't be up to one person to decide that. *Although not agenda items, she stated the speed limit sign on Skyline Dr. is angled down into the roadway and she is in favor of adding recycling to the garbage bid.*
6. Jane Worthington, read Section 104.3, Right-of-Entry where it states the code officials shall have right-of-entry to inspect the premises for reasonable cause or for a code violation. TM clarified that the code official needs to have cause first; and then has to have owner consent to gain entry; otherwise, he has to get a warrant.
7. Don Reed, 25 Main St., commented that a lot of objections were stated against the IPMC and asked the board not to act on this item. BT stated at the comprehensive plan meeting the majority of the comments were based around trash on properties and the current nuisance ordinance does not address this issue.
8. Doris Grimm asked what the increased projected cost was to enforce the IPMC especially if you have to get warrants and have employees' cut grass and place liens on properties and the extra time of the code officer working on this. BT said most of this can be seen from the street. TM stated he has never gotten any warrants, and the code officer will not spend any more time than he does enforcing the codes right now.
9. Paul Battista, 28 Johnston Rd., asked if adopting this ordinance gives the township more authority to take action if the biggest complaints are trash. TM stated it is objective, more constitutional and does give the Township more authority.
10. Cindy Simmons stated this ordinance is much larger than what we currently have and it is illogical to think it will not require more time on everyone's part.

Action Items:

- A. **Reports:** DB motioned to accept the reports as given. BT seconded the motion. The motion carried unanimously. The following reports, if any, were submitted for the Board's review and are on file at the Municipal Office:
 - Zoning Officer's Report – October, 2015
 - Public Safety Report – 9/17/15 – 10/18/15
 - Public Works Report – 9/17/15 – 10/21/15

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Planning Commission Minutes – 9/15/15
Parks & Recreation Minutes – 9/14/15
Municipal Authority Minutes – 9/2/15
Midway Sewage Minutes – 9/1/15
Cross Creek Valley Region Minutes – None
Washington County Sewage Council Report – None
MPT Volunteer Fire Dept. Reports – September 2015 & call log
Treasurer's Report – September, 2015
Correspondence for the period of – 9/18/15 – 10/22/15

- B. **Bills:** BT motioned to ratify the payment of the invoices for the period of 9/18/15 – 10/22/15 as presented. GF seconded the motion. The motion carried unanimously.
- C. **Minutes:** GF motioned to approve the minutes of the September 23, 2015 regular board meeting. BT seconded the motion. DB abstained as being absent from the meeting. The motion carried.
- D. **Minutes:** GF motioned to approve the minutes of the October 7th, 14th and 20th budget workshop meetings. DB seconded the motion. The motion carried unanimously.
- E. **Cohen Law Group – Cable Franchise Renewal:** BT motioned to approve the engagement letter for Cable Franchise Renewal Services with Cohen Law Group for the Hickory Telephone Cable Franchise Agreement set to expire on 4/25/2016 at an amount not to exceed \$8,900. DB seconded the motion. The motion carried unanimously.
- F. **Ordinance 135 - IPMC:** GF motioned to adopt Ordinance 135; an ordinance adopting the 2015 International Property Maintenance Code as duly advertised on October 14, 2015. BT seconded the motion with an amendment to remove Item 2 (G) Section 304, screens and to remove Item 2 (J), Section 602.3, dates. DB stated he was not at the last meeting where this with authorized but there are a lot of objectors at this meeting and a lot of confusion and would like to take some additional time to review this code and allow the people time to review it. DB made a motion to table this ordinance. It is noted that there was a motion already made by BT and was outstanding. BT added he was fine with raising the height of the grass also. TM suggested BT withdraw the motion. BT withdrew his motion. *Sub-motion:* BT made the following sub-motion to adopt Ordinance 135; an ordinance adopting the 2015 International Property Maintenance Code as duly advertised on October 14, 2015 subject to Item (G) being struck, Item (F) changing to 12 inches and Item (J) being struck. DB seconded the motion to amend. The motion to amend carried unanimously. DB motioned to table the main motion to adopt Ordinance 135, as amended, until the November 18, 2015 meeting. GF seconded the motion. The motion carried unanimously.
- G. **Fire Hydrant Agreement:** BT motioned to approve a public fire hydrant application from PA Water for the installation of 2 fire hydrants placed on Primrose Road and Fort Cherry Road. GF seconded the motion. The motion carried unanimously.
- H. **Public Officials Insurance Renewal:** GF motioned to approve the renewal of the Public Officials and Employment Practices Insurance with Darwin National Assurance Company for the period of 11/15/15 – 11/15/16 at a cost of \$4,608. DB seconded the motion. The motion carried unanimously.
- I. **Police Professional Insurance:** DB motioned to approve the renewal of the Police Professional Insurance with Darwin National Assurance Company for the period of 11/15/15 – 11/15/16 at a cost of \$7,180. BT seconded the motion. The motion carried unanimously.
- J. **Washington County Winter Bid Items:** BT motioned to award the Washington County winter bid items as follows: Sodium Chloride to American Rock Salt for \$79.51 per ton; Type III Anti-Skid to Del Sir Supply for \$21 per ton subject to providing Penn DOT approval; Cold Patch to Del Sir Supply for \$102 per ton; Antifreeze to NOCO Dist. For \$46.84 per case and Hydraulic Fluid to NOCO Dist. For \$227.59 per drum, if needed, and if they provide Penn DOT approved products and to add Type III Anti-Skid to Thomas Supply for \$21.83 per ton. DB seconded the motion. BT stated the reason for the amendment to add Thomas Supply was because Del Sir could not provide Penn DOT certifications. The motion carried unanimously.
- K. **No Parking Ordinance Advertisement:** DB motioned to approve advertising for the no parking ordinance as drafted by the solicitor for an adoption date of November 18, 2015. GF seconded the motion. The motion carried unanimously.

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Discussion Items:

1. GF stated the garbage contract is going to expire at the end of this year and it will have to be bid. ► GF motioned to authorize the solicitor to advertise for the next garbage contract. DB seconded the motion. Public comments: Paul Battista stated he was in favor of recycling. The motion carried unanimously.

Unfinished Business:

1. Yanosik Ball Field Lease – TM stated he has a conference call set up for Thursday (10/29/15) at 10 am and should have this agreement ready for the November meeting.
2. Uniquely Yours Tea Room – BT stated the Township received revised drawings and comment letters from K2 Engineering and this should go on the November agenda once all of the K2 comments have been addressed. GF stated there are several outstanding stormwater issues.

Other New Business: None.

Public Comment on Matters of Concern:

Paul Battista asked for information on the AG Security Area Act and how it pertains to the municipal authority sewage project. Larry Chome is to send Mr. Battista the ordinance and list of properties. TM suggested coinciding that with the comprehensive plan and to create a parcel map that shows the AG Security properties.

Jane Worthington asked for an update on the impoundments. GF stated at this time they are following DEP procedures. TM stated that he is not getting updates but he believes they are in the assessment phase of the process and that he believes Range will have a final plan in Jan. or Feb. of 2016 to be submitted to DEP for approval. DB stated the agreement was to stop using the impoundments by November 1st but they now need to be following the schedule in the DEP Consent Order. TM added that not until the DEP approves the plan can they start the closure process.

Cindy Simmons stated she applied to have her property included into the AG Security Area and wants to know why that has not happened. TM stated the Township had the required hearing and her property was approved to be included into the AG Security Area (along with another property) but it has not been recorded at the courthouse yet as the procedure is to record them 1 time a year.

Lee Robinson asked what to do about the Fort Cherry Ambulance membership subscriptions that are due. GF stated they are appointed by the Township until the end of the year and that the Fire Chief will be making a recommendation at the January meeting.

Dave Descutner stated he is still trying to decide on whether the IPMC is a good thing or a bad thing and asked the board how they see this being used. GF stated it will provide better enforcement and it protects the citizens. Back and forth discussion continued amongst unidentified people.

GF announced that there is a budget meeting on November 5, 2015 at 7 pm.

Adjournment: DB motioned to adjourn the meeting at 8:32 pm to enter into executive session with no further business to be conducted. GF seconded the motion. The motion carried unanimously.

Respectfully submitted,

Mary Ann Stevenson
Township Secretary
Mount Pleasant Township
Board of Supervisors