

**Williams Township Board of Supervisors
Reorganization Meeting
January 7, 2019**

The Reorganization meeting of the Williams Township Board of Supervisors, 655 Cider Press Road, Easton, PA 18042 was held on the above date and called to order at 7:00 p.m. by Chairperson Mark Ernst. Mark led the audience in the pledge to the flag. Others present were Vice Chairperson Raymond Abert, Supervisor Michael Bryant, Township Solicitor Jonathan Reiss, Township Manager Mikal Sabatine, Township Engineer Ronald Madison, Public Works Director Michael Strawn and Township Secretary Melody Ernst.

Mark made a motion to appoint Jonathan as temporary Chairperson, second by Ray. There being no comments, motion carried 3-0.

Election of Officers - Jonathan asked for a motion for Chairman. Ray made a motion to nominate Mark Ernst as Chairman, second by Michael. There being no comments, motion carried 3-0. Jonathan then turned the meeting over to Chairman Ernst. Michael made a motion to appoint Ray for Vice-Chairman, second by Mark. There being no comments, motion carried 3-0. Ray made a motion to appoint Mikal Sabatine as Township Manager/Assistant Treasurer, second by Michael. There being no comments, motion carried 3-0. Ray made a motion to appoint Melody Ernst as Secretary/Treasurer, second by Michael. There being no comments, motion carried 2-0. Mark Abstained.

Professional Appointments: Solicitor - Grim, Biehn & Thatcher; Engineer - Maser Consulting P.A. represented by Ronald B. Madison, P.E.; Zoning Officer - Keller Zoning; Alternate Zoning Officer - Maser Consulting P.A. represented by Ronald B. Madison, P.E.; Zoning Hearing Board Solicitor (fees only) - Joseph Zator, Esq.; Township Auditor - Riley and Company; Third Party Agency - Keycodes Inspection Agency; Landfill Inspectors - Joseph Black; Alternate Host Municipal Landfill Inspectors - Maser Consulting, P.A. represented by Ronald B. Madison, PE, Donald F. Bowman, PE, CHMM and Vincent J. Carbone; Sewage Enforcement Officer - Joseph Black; Alternate Sewage Enforcement Officer - Tom Knoll; LST Tax Collector - Keystone Collections Group; Delinquent Tax Collectors - Keystone Collections Group & Jenny Frindt; Earned Income Tax Collector - Keystone Collections Group; Labor Solicitor - Campbell, Durrant, Beatty, Palombo & Miller, PC; Municipal Conservation Services - Natural Lands Trust; Resource Protection & Planning - Heritage Conservancy

Michael made a motion to approve the Professional Appointment except for the Labor Law Solicitor due to the fact that he has not submitted his rate schedule for 2019 to

the Township, second by Ray. Mark commented that if we need the labor solicitor we can appoint that person at that point. There being no further comments, motion carried 3-0.

Board Appointments:

Planning Commission – (Frank Korpics)
Planning Commission – (Alternate Vacancy)
Recreation Board Christopher Shunk)
Vacancy Board – (Terry Lee)
Landfill Advisory Committee Susan Reed)
Landfill Advisory Committee (Vacant)
Zoning Hearing Board Alternate (Vacant)
Land Preservation Board – (Ronald Himeline)
Land Preservation Board – (James Williams)
Appeals Board (Vacancy)

Ray made a motion to appoint the above mentioned Board Appointments, second by Michael. Mark commented there are some vacancies if anyone would wish to serve. There being no comments, motion carried 3-0.

Resolution 2019-1 – Mark asked for a motion. Michael made a motion to approve Resolution 2019-1 Establishing Holidays, Secretary/Treasurer/Manager Bond Limits, Mileage Reimbursement, Board of Supervisors Meeting Dates, Staff Appointments and Professional Fee Schedules, second by Ray. Ray commented on the full time employees increases in the resolution. Asked if that would change the secretary/treasurers salary in the budget? Jonathan stated the budget was amended to 2.75% of that salary. George commented the approved budget on the Township website does not reflect that change. It was stated it will be amended. There being no comments, motion carried 3-0.

Township Depositories – Mark asked for a motion. Michael made a motion naming Embassy Bank, Lafayette Ambassador Bank, BB&T, and Pennsylvania Local Government Investment Trust (PLGIT) as Township Depositories, second by Ray. There being no comments, motion carried 3-0.

PSATS Voting Delegate – Michael made a motion to appoint Mikal Sabatine as the PSATS voting delegate, second by Ray. There being no comments, motion carried 3-0.

Compensation of Mikal Sabatine, Township Manager – Resolution 2019-2 – Michael made a motion to approve Resolution 2019-2 for the Compensation of Township Manager, second by Ray. There being no comments, motion carried 3-0.

There being no further business, Mark closed the Re-Organizational Meeting.

REGULAR BUSINESS MEETING

Mark stated there were no Executive Sessions held.

Mark asked Ray and Michael if they had any corrections to the Minutes of December 12, 2018. There being none, Ray made a motion to approve said minutes, second by Michael. There being no comments, motion carried 3-0.

Melody presented the Expense Report of January 7, 2019 to the Board. The Treasurers Report for December was not available. Ray made a motion to approve the Expense Report and pay the bills, second by Michael. There being no comments, motion carried 3-0.

Land Preservation Presentation – Russell and Nehoda Properties

Laura Baird gave a power point presentation on the Russell property which is approximately 29 acres in total. The property is located in the Southwest corner of Williams Township within close proximity to preserved lands in the Township and over 1500 acres of contiguous lands in Durham Township. She went over the natural resources as well as the head waters of Frys Run and stated the preservation is consistent with the Township's preservation plan. Ron Hine line went over the scoring sheet and stated that the Russell property scored 130. He further stated there will be public access, hunting will be permitted with written approval in advance as well as bird watching groups that have been registered. He stated the total appraised value is \$163,500.00 and they are requesting fifty percent funding from the Township in the amount of \$81,750.00 for 27.25 acres and will be asking Northampton County for the additional fifty percent. Michael asked if the fifty percent they are asking the Township for is contingent on the County also providing fifty percent. There were a few questions regarding the parcel information as well as the minimal protection area. George commented that he would recommend only making a motion to approve half the funding because the County has no motivation to contribute the money if you approve the whole appraised amount. George also asked a question about the driveway access on the power point presentation. Laura stated that the driveway can be made part of the minimal protection area when the survey is complete if the Board so wishes. Mark commented that he feels that makes sense and agrees with George with the motivation of the County. Haldan asked how much money Heritage is contributing. Laura commented they are a nonprofit company and there is no funding available for land conservation. Michael made a motion to provide \$6,000.00 per acre for approximately 27.25 acres, second by Ray. George commented that he feels the Township is throwing away their chance of \$81,000.00. Ray commented that he agrees with George but he also knows the landowner wants a commitment. Jonathan stated that you could state up to \$6,000.00 per acre depending on the results of the County grant request. Mark stated the previous motion is withdrawn. Michael made a motion for the Township to provide \$3,000.00 an acre for the Russell property and look favorably upon an additional \$3,000.00 an acre only if the County does not fund the fifty percent, second by Ray. There being no comments, motion carried 3-0.

Laura stated the Nehoda property is in the Eastern portion of the Township and is a 1,000 feet from the Smejkal property and close proximity to other preserved properties within the Township. The property is approximately 41 acres of mostly wooded area. There is farmland in the front portion of the property as well as an unnamed tributary that flows through. This property is also consistent to the Williams Township Open Space Plan. Laura explained the minimal and standard protection area and the area that is the highest protection. Ron Hineline stated this property scored 150. He further stated the appraised value of the property is \$224,685.00 which is based on \$6,000.00 an acre for a total of 37.443 acres. They are requesting \$112,329.00 from Williams Township with the other fifty percent from Northampton County. Michael made a motion for the Township to provide \$3,000.00 an acre for the Nehoda property and look favorably upon an additional \$3,000.00 an acre only if the County does not fund the fifty percent, second by Ray. Haldan asked if either of these properties are coming before the Planning Commission for subdivision. There being no further comments, motion carried 3-0.

Land Preservation Report – Ron gave the report for December. Ron commented that they met with Moore Township supervisor and Maria Benzoni to learn about the process for fee simple preservation for the Melchor property. He further stated they want to discuss this further with Realtors before they would move forward. Jonathan stated that the property will not be listed with the realtor. Under the Second Class Township Code it would have to be bid on or through a public auction.

Manager's Report

Mikal gave a brief report. Ray commented that he has been getting complaints of the hours for the recycling center and feels the hours were cut back drastically.

Public Works Report

1. Approval to Purchase 2019 Mack Dump Truck – Mike stated he is looking for approval to purchase a 2020 Mack dump truck for a Co-Stars price of \$136,390.00 for the chassis from TransEdge Truck Centers and the Body, Plow and Spreader in the amount of 70,148.00 from E.M. Kutz. He further recommended that this be purchased on a five year lease with the first payment being paid from the general fund and the remainder of the payments starting in 2020 through liquid fuels. Mark made a motion to approve the expenditure of \$206,538.00 for the 2020 Mack Truck from E.M. Kutz, second by Michael. Michael asked if this is a replacement to a vehicle. Fred asked if the dump is a single axel or tandem. There being no further comments, motion carried 3-0.

Zoning Hearing Board – The report from December was received and accepted by the Board. Mark stated that there will not be a Zoning Hearing Board meeting on January 23, 2019.

Planning Commission Report – Haldan gave the report December 19, 2018.

1. 280 Gaffney Hill Road – Preliminary/Final Subdivision Approval –

Resolution 2019-3- Jonathan stated this subdivision is 145.45 acres subdivided into two lots. It is subject to approval condition upon Maser Consulting letter dated December 14, 2018 as well as the Sewage Enforcement letter of December 15, 2018. There are also waivers granted for road widening and public street sidewalks and curbing. There is a required Recreation fee as well as Emergency Services fee. Mark made a motion to approve Resolution 2019-3, second by Ray. There being no comments, motion carried 3-0.

Engineer Report - Ron briefly reviewed his January 4, 2019 memorandum. Ron commented that Maser Consulting has received notice from PA DEP that Chrin has applied to renew their current landfill permit which will expire January 6, 2020. They have also received the December 20, 2018 LVPC review letter. Ron asked the Board if they wish to have Maser Consulting submit an environmental review comment. Mark made a motion to have Maser Consulting send the review comment document to Chrin, second by Michael. George asked what Chrin is doing? There being no further comments, motion carried 3-0.

Ron stated the Hilton Street sanitary sewers were televised and the data was submitted and reviewed. It is the recommendation of Maser Consulting to accept dedication of approximately 1600 feet of the sanitary sewer line within the Hilton Street right-of-way. There is no action to be taken, just bring to the Boards attention.

Ron stated a letter has been received from Cedar Park Development asking the Township to accept a contribution of \$5,850.00 to be used by the Township for additional tree planting at the Melchor Tract Park. This contribution is in lieu of landscape requirements that were not planted within the Cedar Park Lofts Development. Ray made a motion to accept the contribution, second by Michael. There being no comments, motion carried 3-0.

Ron stated correspondence was received from Easton Area Metal Recycling requesting Williams Township accept a contribution of \$2,000.00 to be used by the Township for tree planting in a Township park. Michael made a motion to accept the contribution in lieu of landscape requirements, second by Ray. There being no comments, motion carried 3-0.

Ron stated Maser Consulting is recommending a reduction of the Primrose Glen/Oakleigh Knoll Development Improvements Agreement Security from \$1,654,131.17 to a retained secured amount of \$771,948.18 for the balance of improvements. Michael made a motion to approve the Primrose Glen reduction of the Letter of Credit to \$771,948.18, second by Ray. There being no comments, motion carried 3-0.

Ron gave a brief update regarding Coffeetown Road and stated the project should take four to five weeks, weather dependent. It was further stated Coffeetown Road would be closed, except to local traffic, with signage placed closing the road from Bougher Hill west to Wolfe Farm. Ron stated that the estimated cost from Semmel Excavating for labor and equipment proposal dated January 7, 2019 is not to exceed \$100,000.00. Michael made a motion to move forward with the Coffeetown Road project with

Semmel Excavating for equipment and labor not to exceed \$100,000.00, as per the Township Engineer, second by Ray. Ray asked if there was an anticipated start date. There being no further comments, motion carried 3-0.

Solicitor Report – None

Old Business

1. Identity Theft – Resolution 2019-4 - Michael made a motion to approve 2019-4 Identity Theft Prevention Program Resolution, second by Ray. There being no comments, motion carried 3-0.

2. Xie & YU Real Estate Tax Assessment Appeal - Jonathan stated this is for real estate parcel P9 8 12U. They are changing the market value from \$575,000 to \$500,000.00 and the assessment from \$178,800.00 to \$155,500.00. Jonathan stated the impact on the real estate would be \$52.00 and he will need authorization to execute the Stipulation of Counsel if the Board so chooses. Mark made a motion to accept the Stipulation and allow Jonathan to sign same, second by Michael. George asked what the address is to the property. There being no further comments, motion carried 3-0.

New Business

1. Appoint Deputy Tax Collector – Resolution 2019-5 - Michael made a motion to approve Resolution 2019-5, second by Mark. There being no comments, Motion carried 2-1. Ray abstained.

2. Approve Township Employee Job Descriptions – Resolution 2019-6 - Mark stated that the job descriptions have been changed for Manager, Assistant Manager, Secretary/Treasurer, Administrative Assistant and Public Works Director. Mark further commented that back in May when the previous Manager resigned an executive session was held with the administrative staff, supervisors and solicitor to reassign job duties. At that time the staff was asked to review their job descriptions and make the necessary changes of what they are currently doing and return to the Board. There was question as to whether Mark could vote on the Assistant Manager description. Jonathan commented that he can vote on the position as no one has been appointed yet. Michael made a motion to accept the job descriptions as redefined, second by Mark. Ray stated he does not understand why there is a need for an Assistant Manager with the staff that we have. George asked if the newly created position of Assistant Manager involves additional monies and additional duties. Michael commented that he feels there should be business continuity planning and talked about if the manager were to be out of the office for a period of time. George commented that the new duties that have been added to that position have happened into the last year? Mark referred to an AP article regarding Assistant Managers and Managers. Mikal commented that the original job descriptions for every staff employee were drafted in 2011 and have not been addressed, revised or reviewed since that time. In that nine year period changes in local, state, federal and government regulations as well as rules, policies, practices and procedures have changed. He further stated that since he has started in the Township virtually every portion of what he does is intermingled with the responsibilities shared with the Secretary/Treasurer. He commented the big concern is the level of consistency if the Township Manager were to be out of the office

for long periods of time. There being no further comments, motion carried 2-1. Ray opposed.

3. Appointment of Assistant Manager - Mark turned the meeting over to Vice Chairman Ray Abert. Ray asked for a motion for the appointment of Assistant Manager. Michael stated on the recommendation of the Township Manager, he would like to make a motion to appoint Melody Ernst to the position of Assistant Township Manager at a weekly salary of \$1,175.33, second by Ray. Jonathan asked for clarification and asked if the \$1,175.33 is the weekly salary or in addition to the current salary or is this the total new salary? Mikal stated that is for the total salary for the position itself. George asked for further clarification. Mikal stated the new sum is for \$1,175.33 weekly that is inclusive of the position and role of Secretary/Treasurer which would be a \$75.00 increase over her current weekly salary. There being no further comments, motion carried 1-1. Ray opposed. Ray asked Jonathan if Mark would need to decide on the vote. Jonathan stated when Mark became chairman with the Board's authorization Jonathan wrote and obtained an advisory Opinion of the State Ethics Commission as to when he could vote on certain matters because of Mel's position with the Township. In that advisory opinion letter it states in the cases of a three member board where there is a tie vote because of one member he would have to recuse himself and state at that time his conflict of interest but then vote because no action could be taken on the motion. Michael asked Ray his reasoning for not voting? Ray commented that he will not state his reasons at a public meeting. Jonathan stated that you can adjourn the meeting and go into executive session. Ray adjourned the meeting for an executive session to discuss personnel.

The meeting was called to order by the Vice Chairman Ray Abert after approximately fifteen minutes and he commented that his decision has not changed and Mark will have to make the deciding vote. He further stated he cannot go along with a ten percent increase. Mark stated that back in October Ray informed Mark that he probably would not vote for the position. Mark stated at that time he contacted the Pennsylvania Ethics Commission and received instruction regarding how to handle the situation. Mark read section 1103 subsection J of the ethics commission which outlines how a member that has to abstain is allowed to vote to break the tie vote. Mark stated that Melody is my wife and that would be the reason for his abstention. He also read Ordinance 1997-2 creation of the Township Manager which gives the Manager authority to make recommendations based on hiring, firing, promotion, demotions, discipline and other personnel related matters. He commented that the job descriptions that were given to the staff to review and make changes were given to the Manager to review and redefine the old descriptions. When the job descriptions were complete, the Manager sent them to the Board for review and comments. Mark asked Mikal if there were any questions regarding those positions, to which Mikal stated no. Ray commented that he assumed there would be an executive session and he did stop in the office to discuss the job descriptions but the Manager was out of the office. Mark commented that the position and the profiles of each job duty have been changed and additional duties have been assigned to the Secretary/Treasurer/Assistant Manager position. Mike Strawn commented that he feels we need a second in command when the Township Manager is not here and stated he is in support of the position. Mark went over the savings of not having a full time zoning officer and the salary of the current manager, a 2.75 percent increase that the Secretary/Treasurer received versus a 3 percent increase that the rest of the staff received as well as the average salary for an Assistant Manager position at \$69,188.00

and what is being proposed at \$61,114.00. He then commented that he agrees with Michael regarding continuity as a good thing. Jonathan stated you can call for a second motion for the appointment of Assistant Manager because the first motion failed because of a deadlock. Jonathan stated that the employee has already been appointed to Secretary/Treasurer and commented that his recommendation would be to have a separate job description for each position which can be done at a subsequent meeting. Michael made a motion to appoint Melody Ernst as Assistant Manager, second by Ray. Motion carried 1-1. Ray opposed. Mark commented that the conflict is through marriage with Melody being his spouse. Mark then stated his vote is to approve the Assistant Manager. Jonathan stated that a written notice will need to be submitted by Mark. Motion carried 2-1. Ray opposed.

4. Zoning Ordinance Review - Mark commented that he would like to see the Zoning Ordinance adopted. Jonathan stated there have been zoning ordinance amendments from this board and the prior board that should be included in the update. After the updates are included it would come back to the board for authorization to send them to the Planning Commission to start the process of review and then under the MPC for adoption. After a brief discussion, Haldan commented on a Zoning Hearing Board member who was involved with the comprehensive plan. Mark stated that he called PSATS to make sure that person could participate on the Comprehensive Plan. It was asked of Jonathan what the fee would be if his office were to go through the Zoning Ordinance Amendments. Jonathan stated he suspects the cost would be approximately \$5,000.00 to \$7,500.00. Ray made a motion to have Jonathan's office work through the amendments not to exceed \$7,500.00, second by Michael. George inquired about an issue with the edit changes. Fred asked about an outside firm that was hired for codification and if it was completed. There being no further comments, motion carried 3-0.

5. Appointment of George Washburn and Duane Wagner, Zoning Hearing Board - Resolution 2019-7 - Michael made a motion to approve Resolution 2019-7, second by Ray. Mark stated that George will be leaving the Landfill Advisory Board. There being no comments, motion carried 3-0.

6. Approval of 2019 Fee Schedule - Resolution 2019-8 - Ray made a motion to approve the 2019 Fee Schedule Resolution 2019-8, second by Michael. There being no comments, motion carried 3-0.

7. Approve of 2019 Sewer Fee Schedule - Resolution 2019-9 - Michael made a motion to approve the 2019 Sewer Fee Schedule Resolution 2019-9, second by Ray. There being no comments, motion carried 3-0.

Supervisor Remarks

Michael wished everyone a Happy and Healthy New Year and thanked all those that step up to serve on committees/boards.

Mark commented that as he said earlier in the meeting, he is done with emails from people who do not live in the Township. Thanked George and Jim for helping on the Boards and wish there were more residents that would get involved.

Audience Comments

- 1. George Washburn - Happy New Year.**

There being no further business, meeting was adjourned at 9:40 p.m.

Respectfully Submitted,

MELODY A. ERNST, SECRETARY
Williams Township Board of Supervisors

Melody Ernst

From: Mark Ernst
Sent: Wednesday, January 02, 2019 7:36 PM
To: Melody Ernst
Subject: abstaining from the budget vote

Melody,
Please accept this email for my reasoning for not voting for the secretary / treasurer salary at the Dec. 12th 2018 meeting.

It is as usual, my voting on the salary would be a conflict because of our relationship as husband and wife.

Please make a copy of this document for the January BOS meeting being held on January 7th, 2019 for abstaining on a vote on the upcoming request for the job description / position.

Mark Ernst
Wms Twp BOS