

Williams Township Board of Supervisors
November 13, 2019

The monthly 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 Assistant Township Manager Melody Ernst.

Mark stated there were Executive Sessions held October 22, 2019 to discuss Legal Matters, November 4, 2019, November 6, 2019 and November 12, 2019 to Discuss Personnel Matters.

Mark asked Ray and Michael if they had any corrections to the Minutes of October 9, 2019. 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 November 13, 2019 and the October Treasurers Report to the Board. Ray made a motion to approve the Expense Report, Treasurers Report and pay the bills, second by Michael. There being no comments, motion carried 3-0.

Mark moved the Farrell Lot Line Adjustment to be heard.

1. Michael Farrell - 180 Deemer Road - Lot Line Adjustment - Attorney Margle appeared on behalf of his client Mr. Farrell. Mark stated to Attorney Margle that there are some zoning hearing board members here tonight and because you are talking to Board of Supervisors ahead of any Zoning Hearing Board hearing you will need to waive the claim that they are prejudice and they would need to recuse themselves. Attorney Markle has dealt with both Sally and George and stated he will waive that. Attorney Margle stated that he is here tonight to try and avoid his client to have to appear before the Zoning Hearing Board. He stated that some of the points raised in Maser Consulting letter of July 9, 2019 he agrees with and other points he does not. Attorney Margle stated that this was an approved plan in 2009 by his client's mother which at that time created a flag lot when she subdivided the property. His client is simply moving the line and does not quite understand how that creates a flag lot and asked if they could perhaps talk with Ron to clarify. Attorney

Margle stated that his client, Mr. Farrell wants to move the barn that is on his mother's property to his by doing a lot line adjustment. Attorney Margle asked the Board for permission to speak with the Township Engineer or Solicitor regarding this matter. Board stated they are fine with that.

Manager's Report – Mikal submitted his report of November 13, 2019 to the Board for review.

Mikal brought to the Boards attention that he received a request from Girl Scout Troop 8864 asking to use the Community Building on December 6, 2019 for a babysitting night fundraiser. Ray made a motion to proceed with the use of the Community Building after the paperwork is received, second by Mark. There being no comments, motion carried 3-0.

Michael commented that the Township received notification that they would be receiving over \$9,000.00 for the 2018 Act 101, Section 904 Recycling Performance Grant which was submitted by Melody.

Mikal commented that as directed at the October meeting, he has checked the references for Nucitrus for the Townships web design of the current website. Mikal stated that he checked the references provided from NuCitrus and all came back that they have been happy with the company. Mikal asked for the Boards permission to accept the contract in the amount of \$6,375.00. Ray asked if the price is firm. Mikal stated that the Township cannot receive a firm price because of the existing or new information. Ray made a motion to move forward with NuCitrus as the website designer. After a brief discussion, the motion was pulled from the floor and Michael made a motion to move forward with NuCitrus as the website designer not to exceed the amount of \$6,375.00 and any amount over that must be approved by the Board, second by Ray. There being no comments, motion carried 3-0.

Mikal commented as an update regarding the Coffeetown Road project, he is pleased to indicate that we are almost complete in the submission and the review and approval of Federal/State funding to assist in the emergency repair earlier this year.

Mikal told the Board in July of this year one of the Townships School Crossing signs was damaged in an accident. Unfortunately, the insured does not have enough coverage to replace the damages in full. The insureds insurance

company is General Insurance. They have presented the Township with a release of property damage claims notice to accept \$1,141.24 for the damages. Ray asked what the Townships chance is of getting the full amount from the insured. Jonathan stated that it will depend on the individual's assets. The Township could file a Judgment against the insured but that does not mean the Township will get the money in full. Mikal stated that we can use some of the parts that are available and use the \$1,141.24 to aid in the repair. Ray asked if the damaged sign is a school district sign. It was stated that when the project was constructed there were four signals and the Township and School District split the cost, but the Township owns the signs. Michael made a motion to accept the property damage claims notice for \$1,141.24, second by Ray. Mark commented if the insured only has a \$5,000.00 policy the odds of the Township getting anything is slim. There being no further comments, motion carried 3-0. Mikal stated he has contacted the Township's insurance company to insure the signs, as they were never insured.

Mikal stated that the Union President and Bargaining Assistant have signed the Collective Bargaining Contract 2019-2022. Mikal stated that he is looking for approval of the contract and for the contract to be signed by the Board. Mark asked they have not signed. Mikal the union representatives have signed but the union officials have not. They sign after the Board has signed. Mark made a motion to approve contract and sign the Agreement, second by Michael. There being no comments, motion carried 3-0. Thanked the Board for their assistance in coming to an agreement with the contract.

Mikal stated that Jenny Frindt, Tax Collector is seeking reimbursement in the amount of \$60.00 from the Monroe County Tax Collectors Association seminar that she attended in May. Mark made a motion to approve the payment in the amount of \$60.00, second by Ray. There being no comments, motion carried 3-0. Mark asked Jenny to give Mikal notice ahead of when she is going to attend a class and what it is for.

Public Works – Mike Strawn read the report for October 9, 2019 to November 13, 2019.

1. Equipment Municibid Results – Mike asked for permission to accept the bid results in the amount of \$7,530.00 for the 1993 Paver and 10,600.00 for the 2002 GMC Dump Truck. Michael made a motion to accept the bids for the amounts stated by Mike, second by Ray. There being no comments, motion carried 3-0.

Mike stated that David Broad who was a summer temp with Public Works has applied for the full-time position of CDL Laborer. Mike asked for the Boards permission to hire David Broad for the Laborer position upon conditional pre-employment screenings. Ray made a motion to hire David Broad, second by Michael. There being no comments, motion carried 3-0.

Ray asked Mike when the tax payment drop box will be installed. Mike commented that it will be installed either this week or next. Ray asked Mike if the Public Works will be doing the aerating of the fields? Mike stated that we will need to check with TruGreen to make sure they don't treat the fields.

Planning Commission Report - Haldan gave the reports for October.

Land Preservation Report- Ron Hinline read the report for October.

1. Monitoring Conservation Easements - Ron commented that Jonathan and the Land Preservation Board is recommending Heritage Conservancy to do the monitoring. Mark commented that the reason for the recommendation is because Heritage Conservancy has a per property fee in the amount of \$450.00 wherein Wildlands multiple fees that could add up to more than \$450.00 per property. Mark made a motion to approve Heritage Conservancy to monitor the Conservation Easement entity, second by Mike. There being no comments, motion carried 3-0.

2. Russell Property - Survey Approval - Ron stated that the Land Preservation Board is satisfied that the two bids received were regarding the same scope of work. He said that they spoke with Sherry Acevido and she commented that the earlier survey of the property was too old and DCNR would not allow a waiver of a new survey. Ron stated that the Land Preservation Board is looking for permission to move forward with the Russell survey with Keystone Consulting Engineers not to exceed \$6,850.00. Ray made a motion to have Keystone Consulting Engineers perform the survey not to exceed \$6,850.00, second by Michael. There being no comments, motion carried 3-0.

Ron stated the Land Preservation Board is asking the Board if Jonathan can create a template that can be used as appraisals and surveys are requested. Jonathan stated that the Land Preservation Board may want to talk with Laura Baird first as they may already have a template available.

Recreation Board Report - Judy read the report for November. The Recreation Board thanked the Public Works for removing the tree making it easier to see

when exiting the parking lot. The Recreation Board has also decided to review the field guidelines and present that to the Board in February.

Engineer Report– Ron Madison briefly reviewed his November 8, 2019 memorandum.

Ron made a recommendation that all remaining grading escrow monies and the financial security letter of credit be returned to the owners of 880 Texas Road upon payment of any current Williams Township Fees and professional services costs. He further stated he is satisfied that the site is stabilized. Michael made a motion to return remaining escrow monies and financial security upon all outstanding invoices be paid in full, second by Ray. There being no comments, motion carried 3-0.

Ray asked Ron where the Township stands on the Melchor Project. Ron stated some of the comments from NCCD they asked for clarification. Ron stated that the Township is waiting for PennDot the sight distance and he is hopeful that a shovel should be able to hit the ground in Spring.

Solicitor Report - None

Old Business

1. Wms. Twp. Comprehensive Zoning Ordinance Update 2019 Discussion - Mark stated we are at a point wherein we add the recommendations from the Lehigh Valley Planning Commission or we don't make changes and give Jonathan the approval to advertise for next month. Mark commented that he has read through the Planning Commissions letter and he has nothing to add. Michael commented that he feels there is no need for additions. Ray commented to move it forward. Mark made a motion to allow for advertisement for the Comprehensive Zoning Ordinance Update for a hearing next month, second by Michael. There being no comments, motion carried 3-0.

New Business

1. IPMC Discussion – Mark stated that the Township held an informational workshop in October wherein the public was invited. Mark further stated that the Township said they would bring it up again for further discussion as to whether it should continue on in discussion mode to come up with a plan for Williams Township or not. As a Board, we have not decided to do anything.

Mark stated that George had a question at the workshop regarding why this is being brought up. Jonathan stated that the prior Zoning Officer, Tina of Keller Zoning, recommended to adopt the International Property Maintenance Code because there were issues, she was getting complaints about that were difficult to enforce through zoning. Some of the difficulties surrounded the enforcement process of zoning and others involved the International Property Maintenance Code which deal with property maintenance issues wherein zoning is for uses. Under the MPC, for the Township to enforce the Zoning Ordinance the Township is required to give an enforcement notice to the owner which enforcement notice describes the violation of the Zoning Ordinance and gives the property owner either thirty days to come into compliance or during those thirty days to file an appeal with the Zoning Hearing Board that the enforcement notice is wrong. Jonathan stated there are savvy or serial zoning outlaws who will play a game and bring their properties into compliance in the thirty days but then the next time it falls out of compliance the only remedy for the Township is to issue another Enforcement Notice. This was encountered with a few properties when Tina was the Zoning Officer. George still feels it does not rise to the level of adopting a code. Mark commented he is looking to the Board as well as to the residents the direction the township would like to go, either make modifications, develop a code specific to Williams Township or not. He stated that he is not for the code the way it reads. Polly Clark stated that she feels we should not adopt the code because Williams Township is rural. George stated that he was talking with Jess Murray at Church and could not be here tonight wanted the Board to know that he is not for adopting the code. Ray commented that he is not in favor of the code. Michael asked Jonathan if it is easier to have people be in compliance without going to the Zoning Hearing Board and how does that work. Jonathan stated whoever is enforcing it has some discretion. He stated there are Zoning Officers who see zoning violations and notify the residents that they have 20 to 30 days to become in compliance. If after those days they do not come into compliance then they move forward with an enforcement notice. It would be the same with the code as there would be discretion of the enforcement officer. Once the enforcement notice is issued there is a certain period of time to comply and you can appeal to the Uniform Construction Code Board of Appeals and if that does not work the Township can go to court. The maintenance code would give the Township a stronger enforcement addressing conditions not uses. Michael commented that he is not in favor of cart blanche code as it is in the book but perhaps more discussion needs to take place to see if there are ways to reduce the amount of enforcement actions. Mark Weidner asked who is Keller Zoning? Mark commented that Keller Zoning was hired as a third party when Rich

retired. Mark Weidner heard talk about properties and safety issues. It was asked if the Township would be liable for something like that. Jonathan stated it would be the property owner. Mark asked for a show of hands who is in favor of the code? Then he asked for a show of hands who is not in favor of the code? Mark said that by the show of hands, the code is off the table. The Board agreed.

2. Michael Farrell - 180 Deemer Road - Lot Line Adjustment - moved to top of agenda.

3. Gregory Toth - M10 3 17-16T 0836 - Tax and Penalty Exoneration - Jonathan stated this is a property where a mobile home was removed and the county is asking for the taxes to be reduced in the amount of approximately \$4.00. Mark made a motion to approve the exoneration on the property, second by Michael. There being no comments, motion carried 3-0.

4. Casey Reider & Charles Danyluk M10 4 18-T1 0836 - Tax and Penalty Exoneration - Jonathan stated this is a property where a mobile home was removed and the county is asking for the taxes to be reduced in the amount of approximately \$100.00. Mark made a motion to approve the exoneration on the property, second by Michael. There being no comments, motion carried 3-0.

5. Approval to Advertise the 2020 Budget - Michael made a motion to advertise the budget, second by Ray. There being no comments, motion carried 3-0.

Supervisors Remarks

Ray commented that tomorrow is his and Judy's 55-year wedding anniversary. Michael thanked everyone that attended the Veterans Day ceremony. Mark thanked everyone that came out for the property maintenance code. He stated it was a touchy subject with a ton of rumors that were out there. Glad everyone came out because this is what it is about, we are here to represent the residents.

Audience Comments

1. George Washburn - Thanked the Veterans Committee for doing a fine job.

There being no further business, meeting was adjourned at 8:02 p.m.

Respectfully Submitted,

Melody A. Ernst, Asst. Manager/Secretary
Williams Township Board of Supervisors