

**SCOTT TOWNSHIP
BOARD OF SUPERVISORS
MINUTES—JUNE 16, 2021**

The Scott Township Board of Supervisors met on the above date in the Municipal Building, 350 Tenny Street (Espy), Bloomsburg, PA. The meeting was called to order at 6:30 p.m., and opened with the Pledge of Allegiance to the Flag. In attendance were Supervisors William G. Hafner, Kathleen A. Lynn, Paul R. Eyerly IV, Lanny R. Sheehan, and Dennis N. Wildt. Solicitor Anthony J. McDonald from Marinos, McDonald & Knecht LLP, Police Chief Raymond J. Klingler, and Secretary/Treasurer Brittany M. Bacon were also in attendance.

**SUPPLEMENTARY LOT REGULATIONS AND HOME OCCUPATION ORDINANCE
AMENDMENT HEARING**

The hearing began at 6:30 p.m. (Ervin Blank Associates made a stenographic record of the hearing.) Ms. Lynn made a motion to adopt Ordinance 3-13-21A, which is an amendment to Ordinance Section 135-51, Lot Requirements in Article VI, Supplementary Lot Regulations. This will remove the phrase “or other approved land developments” in Paragraph C. Mr. Wildt seconded and the motion carried 4-0, with Mr. Eyerly abstaining due to a possible conflict of interest regarding potential sale of real estate. Mr. Sheehan made a motion to adopt Ordinance 3-13-21B, which is an amendment to Ordinance Section 135-45, Home Occupations. This will add Paragraphs C and D, which require registering of all home occupations each calendar year and outlines violation enforcement procedures. Mr. Eyerly seconded and the motion carried 5-0. Mr. Sheehan made a motion to adjourn the hearing and Mr. Hafner seconded. The motion carried 5-0, and the hearing ended at 6:38 p.m.

QUESTIONS FROM THE AUDIENCE

Mr. Bernard McHugh asked if working from home during the pandemic fit the criteria for a home occupation. Mr. McDonald explained why it did not.

APPROVAL OF MINUTES

Minutes of the May 19, 2021 meeting were presented for approval. Mr. Eyerly made a motion to approve the minutes as presented. Mr. Wildt seconded and the motion carried 5-0.

APPROVAL OF MONTHLY REPORTS

The May Budget, Police, Roads, Secretary, Treasurer, Zoning Reports and the Tri-County COG IBC Inspection Service Report were presented for approval. Ms. Lynn made a motion to approve the reports as presented. Mr. Sheehan seconded and the motion carried 5-0.

APPROVAL OF BILLS TO BE PAID

The May 20 through June 16 General Fund bills to be paid were presented as one electronic funds transfer and check numbers 16809–16842 for \$50,093.93. In addition, the Liquid Fuels Fund bills to be paid were presented as check numbers 1827–1831 for \$8,626.65. Mr. Wildt made a motion to approve the bills to be paid. Mr. Sheehan seconded and the motion carried 4-0, with Mr. Eyerly abstaining due to a conflict of interest regarding the Press Enterprise payment, check number 16828.

SUBDIVISION & LAND DEVELOPMENT

Regarding the Harry P. Kane Preliminary/Final Minor Subdivision Plan, no one attended to represent the applicant. Ms. Bacon explained the project is located at 560 Beilys Road and proposes to subdivide a parcel into three lots, with Lots No. 1 and 2 currently vacant. Lot No. 3 contains a single-

family dwelling. Township Engineer Todd R. Pyscher of Pyscher & Associates, Inc., reviewed the plan in a letter dated May 18, 2021, and recommended approval with the following two conditions:

1. Provide proof of sewage planning exemption approval from PA DEP.
2. Fully complete the Certificate of Ownership and Acknowledgment of Land Development Plans and the Driveway Access signature blocks.

The County Planning Commission reviewed the plan. The Township Planning Commission reviewed the plan and recommended that the Board approve the plan with Mr. Pyscher's two conditions. DEP provided an exemption approval letter, dated June 9, 2021, which satisfies the first condition.

Ms. Bacon stated the second condition has been met as well. An adjoining neighbor, Mr. Bernard McHugh, asked whether the two existing drainage swales on Mr. Kane's property could be required to remain, even if the two new parcels are later developed. He and Ms. Debbie McHugh explained the stormwater drainage problems that two of the neighbors have faced. They feel the two swales, which are parallel with Beilys Road, are what has prevented drainage damage on their property.

Mr. McHugh asked if new drainage controls could be required if the existing swales are removed.

After discussion, the Township will ask Mr. Pyscher for his recommendations and request that he confer with the applicant's surveyor, Ted Oman, PLS, to see if the subdivision can move forward with some kind of assurance for the neighbors regarding no increased water runoff. The Board tabled this until the July 21 meeting.

OLD BUSINESS

Regarding obtaining a survey as part of the requirement for the park grant, DCNR is requiring a corrective deed with metes and bounds. After speaking with Ted Oman, PLS, of Ted L. Oman & Associates, Inc., Mr. McDonald stated the park must be resurveyed. Mr. Sheehan made a motion authorizing Ms. Bacon to contact Mr. Oman regarding the needed surveying and to approve his cost on the condition that it not exceed \$5,000. Ms. Lynn seconded and the motion carried 5-0.

Regarding the PMRS agenda item, Mr. McDonald stated that while he is not a tax attorney or a pension law attorney, the IRS regulations for the ERISA (Employee Retirement Income Security Act) compliant plans are so complicated that if one misstep is made, it can jeopardize the entire plan. He noted Mr. Eyerly's recommendation at the May meeting to hire a pension law expert before any change is made to the contract. Mr. Hafner stated he called PSATS and they had no input on it. Mr. Hafner recommended tabling this because the employee requesting the change could not attend. Mr. McDonald asked that his opinion be recorded in the minutes. Ms. Lynn recommended that a retiree who wants to come back to work part-time be put under contract with a 1099. Mr. McDonald stated that would be the safest way to do that. Chief Klingler expressed concern that the uniformed plan could also be affected if this change endangers the non-uniformed plan. Mr. Hafner stated the idea of the 1099 route makes sense to him. Mr. McDonald stated paying as a subcontractor would avoid the cost of paying fees for unemployment compensation and workers compensation. He added a subcontractor would have to carry his or her own liability insurance, but this would avoid any changing of the pension contract. Ms. Stasik noted that if the pension plan is changed, the Township must also change the personnel policy. Mr. McDonald again cautioned that anything that would cause a change to the retirement plan should be reviewed by a pension law expert. He advised that if the Township can remove the entire issue, and hire someone as a subcontractor who is paid a gross amount and responsible for their own liability insurance, then he cannot see that there could be any objection to that. Mr. McDonald went on to expand on the liability insurance matter, stating that the Township would have limited liability in the case of an accident with an employee driving a Township vehicle. A subcontractor having an accident in a Township vehicle would not have that immunity and it might also waive the Township's immunity. Mr. Eyerly stated that from his perspective if the Township was in a position that it just cannot find individuals to employ and it needs to do something different, then the Township would need to make changes, with one option being change the retirement plan to bring back retirees. However, that is speculative at this point. He added that there are many options

available between now and that situation to prevent that from happening. Mr. Eyerly cautioned that the Township does not want a situation where a person retires, and then shortly afterward is rehired. Mr. Eyerly stated that he is not an ERISA attorney, but he does have enough knowledge to know that the IRS could disqualify the whole plan, which would have a devastating effect for all the Township staff. He added that retirement is an area where the Township should tread very carefully, and the pension contract is only changed if there is no alternative but to change it. In his opinion, there are many other alternatives open to the Township before the Township would reach the position that it feels it must bring a retired person back to work. Mr. Hafner stated this matter would be tabled for now, but he thought Mr. Eyerly had a good idea that the Township would approach this if it is needed. Mr. Wildt stated this was a case of trying to be proactive. Mr. McDonald stated that while there is value in knowledge and experience, from a legal perspective, he is not comfortable that a phone conversation with PSATS, or the Pension Administrator contacting PMRS, is sufficient. He advised receiving guidance in written form from a pension law attorney stating what is and is not permissible.

NEW BUSINESS

Regarding the Bloomsburg University tax exoneration, Renae Newhart, Office Manager for the Columbia County Tax Claim Bureau, sent a letter, dated April 19, 2021, requesting that the Township authorize the tax exoneration for three parcels. Ownership of the parcels was transferred to the University in February of 2019, and the University is immune from taxation. Mr. Eyerly made a motion to authorize Ms. Bacon to sign and return the exoneration form. Ms. Lynn seconded and the motion carried 5-0.

Chief Klingler requested permission to hire a full-time officer to aid in the transition when Officer Daniel Lingousky leaves. His resignation will be effective August 9, 2021. Ms. Lynn made a motion to authorize the Chief to hire a full-time officer to replace the officer who is leaving. Mr. Sheehan seconded and the motion carried 5-0.

Regarding the CPA agenda item, Ms. Bacon stated no one ran for auditor in the primary election. She added that the Administration Committee discussed whether the Township should solicit Requests for Proposals for qualified individuals or companies to complete the annual audit. Mr. Eyerly suggested Ms. Bacon check with other municipalities to see if any use or have used CPA firms.

Regarding property maintenance issues at 2897 White Birch Lane, Mr. McDonald stated the owner of record is deceased and there is no estate filed. In essence, the Township has no one against whom to file a violation. He advised that the Township's only option is to have the Maintenance Department clean up the property, and after they have done that a number of times the Township could place a lien on the property for their time and costs. Mr. McDonald stated eventually the property would be listed as a tax sale, but that procedure could take up to four years, since delinquent taxes must accumulate for three years before the County lists a property for tax sale. Discussion ensued regarding whether there is still a mortgage on the property, with the Township then having the option to notify a mortgage holder of the violation. Mr. McDonald will have his office check on this.

Mr. Eyerly made a motion to adjourn the meeting. Mr. Wildt seconded and the motion carried 5-0. The meeting adjourned at 7:53 p.m.

Respectfully submitted,
Brittany M. Bacon
Secretary/Treasurer