

**SCOTT TOWNSHIP
BOARD OF SUPERVISORS
MINUTES—MAY 19, 2021**

The Scott Township Board of Supervisors met on the above date by means of Zoom, a videoconferencing app. The meeting date, time, and app connection requirements were advertised in the local newspaper. The meeting was called to order at 12:01 p.m. In attendance were Supervisors William G. Hafner, Kathleen A. Lynn, Paul R. Eyerly IV, Lanny R. Sheehan, and Dennis N. Wildt. Township Engineer Todd R. Pysher of Pysher & Associates, Inc., Solicitor Anthony J. McDonald from Marinos, McDonald & Knecht LLP, Police Chief Raymond J. Klingler, Maintenance Supervisor Mark J. Koons, and Secretary/Treasurer Brittany M. Bacon were also in attendance.

QUESTIONS FROM THE AUDIENCE

Ms. Angela Solenberger expressed concern that she has noticed a gradual decline in the condition of the playground area at the Lightstreet Park. She referred to the recent letter with park photographs that she sent to the Board. Mr. Hafner stated that he and Mr. Wildt recently inspected the park and noted deteriorated areas. He suggested the Township could mulch the playground area and spray weed killer on the weeds. Mr. Hafner added that the Maintenance Department should do this work as soon as they can. Discussion ensued regarding weed spraying versus pulling the weeds, also the fact that one of the neighbors has laid large sticks in the park.

APPROVAL OF MINUTES

Minutes of the April 21, 2021 meeting were presented for approval. Mr. Wildt made a motion to approve the minutes as presented. Mr. Sheehan seconded and the motion carried 5-0.

APPROVAL OF MONTHLY REPORTS

The April Budget, Police, Roads, Secretary, Treasurer, Zoning Reports and the Tri-County COG IBC Inspection Service Report were presented for approval. Chief Klingler stated the recent National Prescription Drug Take Back Day was successful. In conjunction with DEA, another one is scheduled for October. Mr. Eyerly made a motion to approve the reports as presented. Ms. Lynn seconded and the motion carried 5-0.

APPROVAL OF BILLS TO BE PAID

The April 22 through May 19 General Fund bills to be paid were presented as one electronic funds transfer and check numbers 16770–16808 for \$44,104.65. In addition, the Liquid Fuels Fund bills to be paid were presented as check numbers 1820, 1821, and 1823–1826 for \$7,727.46. Ms. Lynn made a motion to approve the bills to be paid. Mr. Wildt seconded and the motion carried 5-0.

SUBDIVISION & LAND DEVELOPMENT

Regarding the Final Land Development Plan Phase 1 of Lot 1 in the Columbia County Business Park, Joshua Hoagland, P.E., of The Crossroads Group, LLC, attended the meeting to represent the Developer, Marr Development. The Board of Supervisors granted original land development plan approval on October 16, 2019. Mr. Hoagland explained that this plan is a revision due to construction issues with where the water line is actually located. The line is located about ten feet further into the site than expected. Therefore, some of the parking area had to be reconfigured in order to fit the retaining wall but not be within the easement. Mr. Hoagland

added that there is no change in the use, the plan still meets the parking requirements, and the stormwater basin configuration has not changed. Mr. Pysher noted that an on-site meeting is tentatively scheduled relative to the retaining walls. Mr. Pysher reviewed the Plan in a letter dated April 20, 2021, and listed a number of comments that are rather minor in nature, such as removing incorrect wording. He recommended approval of the plan, with the following conditions:

1. The seven “minor” review comments are addressed to Mr. Pysher’s satisfaction.
2. The Recording Acknowledgements on plan sheet 1.00 of 20 are fully executed.
3. A detailed estimate is provided of the land development plan revisions and how the revisions will affect the financial security.

The Township Planning Commission reviewed the plan and recommended approval with Mr. Pysher’s conditions. The County Planning Commission reviewed the plan. Mr. Sheehan made a motion to approve the Land Development Plan with the following conditions:

1. All of Mr. Pysher’s review letter comments are met to his satisfaction.
2. Any additional applicable comments from the County’s May 19, 2021 review letter are met.
3. All conditions are met by July 22, 2021.

Mr. Eyerly seconded the motion, which carried 5-0.

Regarding the Douglas M. & Joan S. Creasy Preliminary/Final Minor Subdivision/Incorporation Plan, Ted Oman, PLS, of Ted L. Oman & Associates, Inc., was present to represent the applicants. The purpose of the Subdivision Plan is to realign the parcels. This will ensure that the Creasy’s improvements will all reside on one lot. Mr. Eyerly noted that the addressing of the undeveloped lot might require adjusting the numbering of other parcels on Monroe Avenue. Mr. Pysher reviewed the plan in a letter dated April 20, 2021, and recommended approval with three conditions as follows:

1. Provide proof of sewage planning exemption approval from PA DEP for Lot 1.
2. Revise the signature block as outlined in Mr. Pysher’s review letter.
3. Fully complete the Certificate of Ownership and Acknowledgment of Application.

DEP provided an exemption approval letter, dated May 13, 2021. Mr. Oman revised the signature block. Mr. Wildt made a motion to approve the plan with the condition that the applicants satisfy Mr. Pysher’s third review comment. Ms. Lynn seconded and the motion carried 5-0.

Regarding the Lion’s Gate release of past bond, Mr. Pysher explained the current bond is in the name of Kinsley Construction. The bond amount is approximately \$180,000. The remaining work on that bond is associated with Buildings 200 and 300, which are part of the final plan that was most recently conditionally approved by the Board. The cost of the remaining work is approximately \$16,000 and mostly consists of concrete sidewalks and curbing. Mr. Gregory Sarangoulis informed Mr. Pysher that he would be buying out Kinsley Construction’s interest in the property that involves Buildings 200 and 300. Kinsley Construction requested release from the bond because they will no longer be a partner in the project. Before Mr. Sarangoulis can move forward with any construction of Buildings 200 or 300, he must either complete the remaining improvements or post financial security for whatever is incomplete. The Township is currently waiting for Mr. Sarangoulis to post approximately \$1.6 million in some form of security. If that security does not already include the \$16,000 for Building 200 and 300 improvements, Mr. Sarangoulis would be required to incorporate that into the \$1.6 million bond. Mr. Pysher’s recommendation to the Board is to release the existing bond and then he will make certain that the remaining roughly \$16,000 worth of work is already incorporated in the \$1.6

million or that it is added on to it. This would not be giving approval to move forward with the project. There are other issues that must be resolved before that can happen. Mr. Eyerly made a motion to release the Kinsley Construction bond of approximately \$180,000. Mr. Sheehan seconded and the motion carried 5-0.

OLD BUSINESS

Regarding the general liability insurance renewal, Caleb Sheldon, Risk Advisor for the Kilmer Group, explained their proposal. He also listed Kilmer Group's value-added services. The current policy period will end on June 10. Ms. Bacon stated she is waiting on another proposal but unless the quote is substantially different, she recommends remaining with the Kilmer Group.

Regarding obtaining a survey as part of the requirement for the park grant, Mr. McDonald recommended that Ms. Bacon obtain phone quotes from surveyors. The Board agreed to the recommendation.

Regarding the "Young Lungs at Play" signs for the parks, Mr. Koons stated Bradco Supply will charge \$19.50 for a metal sign that says, "The Use of Tobacco Products on Township Property is Not Permitted". He recommends installing two signs at each of the three parks. Mr. Sheehan made a motion to purchase six signs for \$19.50 apiece from Bradco Supply. Mr. Wildt seconded and the motion carried 5-0.

NEW BUSINESS

Regarding new or updated ordinances, the Board first discussed a sample sidewalk ordinance. Since tree roots often are the reason for uneven sidewalk problems, discussion ensued regarding whether the current ordinance prohibits planting trees between the sidewalk and the curbing. Next, they discussed whether to amend the property maintenance ordinance. Ms. Bacon requested the Board consider amending the home occupation section of the ordinance in order for the Township to be more informed regarding the status of any home occupations. In addition, she requested that the Board update the fee resolution to increase zoning and sign permits by \$5.00, and add an annual fee for home occupations. Mr. Koons stated Mr. Pysher suggested enacting a cover-all ordinance to add signs by resolution rather than ordinance. Mr. Pysher stated the language in the ordinance is vague regarding whether two principal structures are permitted on the same lot. He asked for direction from the Board regarding tightening the language to either permit it or prohibit it. He recommended that if the Board decides to allow it, that it be regulated as a Conditional Use. Mr. McDonald explained difficulties that have arisen when more than one principal structure is on a lot. He recommended permitting only one principal structure per lot. The Board voiced varying opinions. Ms. Bacon suggested finalizing drafts before the next meeting.

Mr. Pysher stated DEP administers a Growing Greener Grant Program. Stream rehabilitation work that the Township is considering would be a qualifying project. He recommended that the Township apply for Growing Greener funds under next year's round of applications.

Regarding the American Rescue Plan, Mr. Hafner suggested the Board give thought to projects that would qualify for the funding. Discussion ensued regarding distribution of funds and the number of stipulations. Townships will have until December 31, 2024 to spend the funds.

Regarding the PMRS agenda item, Mr. Koons requested the Board check into what would be involved in changing the pension plan's in-service distribution. Currently, the contract prohibits an employee who is drawing the pension from being rehired. Mr. Koons called PMRS, but they informed him that questions regarding plan changes must come through the Township's Pension Funds Administrator. Ms. Bacon is appointed as the Township Pension Funds Administrator at each January's Reorganization Meeting. Ms. Lynn stated that the same prohibition about rehiring retirees appears to be standard in all retirement plans. She stated it is not allowed in the County pension, also in the pension for the Aging Office and other agencies that she checked. Mr. Hafner and Mr. Wildt feel it is a good idea to change the contract, in case there is an emergency where the Township must need extra help. A retiree would already be familiar with the Township. Mr. Hafner stated that he retired from his job with a utility company, but they requested he return to work there for a period of time in two different years. Mr. Eyerly stated the IRS regulates all types of retirement plans very closely and does not recommend making any changes. He gave an example of a private company that asked if they could allow a retiree to return to work, basically right after he retired. The IRS provided a Private Letter Ruling [A Private Letter Ruling is a written decision by the IRS that is sent in response to a request from a taxpayer, usually a business, for guidance on unusual circumstances or complex questions about their specific tax situation.] that stated that should not be permitted, or the pension plan could be disqualified. This is because the idea of the pension plan is that the employee only can receive the pension if they officially retire. Otherwise, the IRS may consider the employee retirement to be a "sham retirement" and the plan could be disqualified. Mr. Eyerly recommended that any proposed change be reviewed by a pension law expert. In addition, he expressed concern that this request seems to be a solution in search of a problem. Mr. Eyerly stated that to change the plan based on a maybe, or what if, or that the Township cannot find individuals to hire, raises a concern that the Board has not done a good job as Supervisors replacing the position. Mr. Hafner stated he was referring to an emergency situation, not just for convenience. He clarified that when he went back to work for the utility, they required that he be compensated as a subcontractor, not a rehired employee. Mr. Eyerly responded that he could see the reasonableness of allowing subcontracting, because the person would not be an employee. However, if someone were to return as an employee, so that the Township is paying both a salary and a retirement benefit, could raise issues that could jeopardize the pension plan for all the other workers as well. Mr. Hafner advised Mr. Koons to provide Ms. Bacon his questions and she will check with the PMRS representative.

Regarding the Espy Park Building, the Board agreed to resume permitting rentals, with the stipulation that renters comply with all CDC guidelines.

Mr. Hafner announced the next Board meeting would be held in person, at 6:30 p.m., following all CDC guidelines.

Mr. Eyerly made a motion to adjourn the meeting. Mr. Wildt seconded and the motion carried 4-0, because at an unknown time Mr. Sheehan left the meeting. The meeting adjourned at 2:08 p.m.

Respectfully submitted,
Brittany M. Bacon
Secretary/Treasurer