

MARION TOWNSHIP SUPERVISORS MEETING February 10, 2009 at the Township Building

Present: Jack Aberegg, Archie Gettig, Ray Gutshall and Ellie Trulick

Guests: Jim, Bryant, Ken Roan, Herb Chapman, Ed Poorman, Beverly Chapman, Willard Truckenmiller, George Bartley, Jr., Jim Sharkey, Brian McCauley, Tina McCauley, Tim Weight, Don Franson, Linda Neff, Randy Neff, Rodney Lose, Jonathan Light, Todd Dolan and Orié Hanley arrived at 8:23p.m.

Meeting called to order at 7:00 pm followed by Pledge of Allegiance. Aberegg stated that the Supervisors had wanted an Executive meeting last week but Supervisor Gettig refused to attend so at this point in time he will recess the meeting and go into an Executive meeting with the Supervisors and the solicitor. All returned to the meeting room at 7:20 p.m. and reconvened the meeting. Aberegg asked the solicitor to make a statement.

Solicitor Bryant stated as solicitor to Marion Township he is obligated by Township code to advise the Supervisors on business affairs. It was brought to his attention that there have been allegations made by from one supervisor against another supervisor of misfeasance and nonfeasance; and there are counter allegations from the accused supervisor to the other supervisor. It is my opinion that the Township has not the resources to investigate or determine these issues. Because if any testimony were taken we would end up with a motion to terminate or impeach a supervisor you need two votes. What you have is a three-member board and you do not have the votes. Also a legal problem that most of the allegations do not rise to high crimes and misdemeanors. What I suggested and the supervisors agree is that these allegations are too important not to be investigated because the supervisors have taken an oath and they have an obligation to the citizens of the Township to import themselves in an appropriate manner according to the law. What we will do is we will request an independent investigation by the PA State Police and the District Attorney. How do we do that rather than taking your statements here, I will be asking the Secretary to get a large manila envelope. You may write them out here what you have seen naming names, dates and times. You do not use the penal code. Just who what when where and what you saw. These statements are to be given to the township secretary who will make two copies if you all want to sit here and do them tonight we can do them tonight, if you do not they must be signed with your name, address, phone number where the State Police can contact you. They will then be sealed they will not be revealed to the Supervisors. The Township secretary will make two copies in your presence. We will not keep a copy. One will be put in one envelope and one in the other. I will deliver them to the appropriate entity. Poorman asked about keeping a copy. Bryant stated that is a good point and the secretary will make three copies and return one to you and the others will be put into the proper envelopes. You may deliver it to me or to Ellie the supervisors will not know the contents. The reason I am suggesting this although some of the things are not good in the ultimate infinity of time, this is really minimal. Neff asked what if the Chairman has a notarized letter, Bryant stated you might use that if you so desire. Neff felt he had been mistreated by the Supervisors in them asking for a notarized letter from him. Bryant asked if they just wanted their notarized statement just put into the envelope. Secretary will make a copy of the letter handed to her by Bryant and place one in each envelope. Secretary hours are 9 to 3 Tuesday, Wednesday, and Thursday. Bryant stated if the persons so desire they may bring in their letters in sealed envelopes and give to the Secretary. You must sign your name and your address and how you may be contacted. 48 hours is the time line. Deadline is Thursday, February 12 by 3:00 p.m. Neff stated he is not a headhunter against one individual in particular. Bryant stated that having dealt with that in public review after Executive Session will expect any of you that want to give a statement give it by 3:00 p.m. Thursday and the meeting will now return to the regular agenda. Bryant told Brian McCauley that the information in the letters could go back 5 years.

Approval of January 5, 2009 Reorganization meeting minutes: Gettig stated that Gutshall had not been reappointed as Head Roadmaster at the reorganization meeting by a motion as all other appointees. Secretary is not sure if she missed this in the translation of the minutes. **Aberegg made a motion we reappoint Ray Gutshall as Head Roadmaster. Gutshall 2nd Aberegg – Yes Gettig – No Gutshall – Yes Aberegg made a motion to accept the minutes with the change noted above. Gutshall 2nd Aberegg – Yes Gettig – Yes Gutshall – Yes**
Approval of January 5, 2009 regular meeting minutes: Gettig stated he does not agree with the section #5 of the minutes concerning personal use of telephones. Aberegg stated we had much discussion at the last meeting on this but we should hold off on this until the contract comes up later this year. Gutshall had a change to the minutes item # 4 where it says Sand Ridge it should be Weights Lane. **Aberegg made a motion to accept the minutes with the above changes being made. Gutshall 2nd Aberegg- Yes Gettig – Yes Gutshall - Yes**

Guests (Public Comment) -

Lisa Hovies not present. Randy Neff- mentioned his only comments are concerning his letter and the Christmas Day incident of cindering and salting a non-township road. Especially when there was a guy threatened, to be fired just because he was sitting on a private drive talking to somebody. Aberegg stated we are not repeating what has already been said about the incident as it is being turned over to others to make a decision on. Neff also has an issue about an overgrown tree problem that he reported to the Secretary in July and it has not been taken care of. **(NOTE: secretary does not have a record of this problem and it was never passed on to the Head Roadmaster to be looked into.)** He also discussed the snow plowing in the development not being done properly. This issue has been resolved. Herb Chapman relinquished his time to John Light and Randy Lose. John Light stated it is .7 mile from Hubler Ridge road to his house. He wants a school bus turn around put in for a bus to come in and pick up his children. There are

approximately 10 to 11 new children in that area and they need some road signs. Watch Children/Children at Play, etc. No side walks for the children to walk. The problem is the turn coming from Sunset Drive to Hubler Ridge Road. George Bartley stated that Patti Hilliard is who should be contacted from the Bellefonte School District. She has been contacted and states the turn around is not the problem. Roan stated it took the Walnut Ridge community about 5 years to get it corrected in his community. Aberegg suggested the Head Roadmaster look into this matter. Rodney Lose stated there is a 50' easement on his property map, which might be able to be used. Franson stated may need to increase radius on Sunset Road and would need a permit from Penn Dot. There may be utility pole problems, etc to make any changes to this turn. Rodney stated about a rotweiler being a problem in the area. Aberegg suggested calling Tim Weight about any dog issues. This is not the same animal issue as was investigated in Walker Township.

Old Business

1. Intermunicipal Agreement: Gettig stated that there should be an agreement between the municipalities should have a cost that is appropriate to the individual pieces of equipment being used. i.e. boom arm mower cost would be greater than a dump cost or a sweeper and the cost should be spelled out. Gutshall stated that Shared Services states equal sharing of equipment. He will contact Sue Hannagan from Shared Services for clarification.
2. Progress on Posting of roads. Nothing at this time from Harrisburg
3. Ordinance for Timber Permit increase to \$100.00 was advertised and can be voted upon at this meeting. See item #16. **Aberegg made a motion we adopt the Ordinance 2009-61 amending the Timber Harvest Permit to \$100.00 Gutshall 2nd Aberegg – Yes Gettig – yes Gutshall – Yes**
4. Further discussion on telephone and inter-net connection. See item #5 New Business on January 5, 2009 minutes. Nothing at this time will be discussed later.

New Business

1. Nittany Valley Joint Planning Commission (NVJPC) – A meeting will be held for the Technical committee of the CCMPO tomorrow morning at 9:30 a.m. at the College Township Building. Brian McCauley and Ken Roan may attend this meeting.
2. Park & Rec January 7, 2009 – Don Franson discussed the grading project at the Community Park. Storm water Management will need to be done. Franson displayed several plans he had made for grading the property. Another ball field will not really be feasible for the Park. A Soccer field is feasible and can be used for adult soccer also. The project will need topsoil stripped, cut and fill and replace it again. A silt fence must be used and the fence cost is approximately \$8,000.00 Discussion on the water run off, a berm will be used to force water into the ditch. Another \$3,000.00 for fence around the topsoil. Cost for completion between \$50,000 to \$60,000.00. VoTech does not do this any more and we will need to find a contractor to complete this. Franson suggested that we might want to do our own digging with our backhoe down approximately 5 feet. Gettig asked if we could possibly sell some of the topsoil to help with the cost. Aberegg stated we would probably not be getting any grant money to help with this project. Franson will show where to dig the holes by marking with a stake or he will be there when it is dug. Property line will need to be marked before leaves are on the trees. Franson will not apply for permit at this time and will put a hold on the project at this time. Stop and see what is happening by the summer time. The permit will last for a 2-year construction season. Roan asked for the secretary to get the estimates for weed and feed for the Park. Roan asked for a key to the rest room to show his Park & Rec Board. E-mail received from Jay with the Marion Walker Little League requesting use of the ball field. Supervisors agree to have Roan set up the schedule with them. Notice of Crash Investigation/application for police crash form. Gutshall will handle the wreck information and will get an estimate for repairs. Gettig said that we should contact DeArment about the estimate on these repairs.
3. Zoning Report for January 2009 – **Aberegg made a motion to accept the zoning report. Gettig 2nd Aberegg – Yes Gettig – Yes Gutshall – Yes.** Metzler was in and received the Road Maintenance agreement today.
4. Road Roadmaster Report – Gutshall read the Head Roadmaster's report and requested it be included with the minutes. Aberegg mentioned the Newsletter having enough space for all information. The Newsletter will be only 2 pages and Brian asked if the secretary will be stuffing the envelopes or if Tina will be doing it again. It was determined that it worked well last year with Tina and Brian doing the stuffing with the tax bills and presenting the Township with a billing for her time. Gettig gave a telephone number to the secretary to have Gutshall's name listed to receive any 911 calls instead of him. That has been handled.
5. Planning Commission Minutes for January meeting – No action needed
6. Centre County Solid Waste December 2008 Report - No action needed
7. PENNDOT letter dated January 8, 2009 – No action needed
8. Franson Engineering letter January 15, 2009 – No action needed
9. Request to use the Township building for a polling place in 2009 – Aberegg signed the form for the Township building to be used as a polling place again this year.
10. PSATS Information on tax deferred retirement program and participation agreement – No action needed
11. Strob Environmental, Inc. letter January 21, 2009 – No action needed

12. State Ethics Commission Questionnaire — Prefer to keep the filing as paper not electronically.
13. Resolution needed to purchase salt from PennDOT — No action to be taken at this time. I already signed up with Co-Stars to receive rock salt next year. We signed up for 200 tons and must take at least 60% of the 200 tons. I will also get bids from other companies.
14. County of Centre Planning & Community Development letter dated January 26, 2009 — No action needed
15. Diesel Power Motor Vehicle Idling Act SB 295 — FYI Must watch this law.
16. Ordinance #2009-61 — To change the Timber Harvesting Fee Ordinance can go into effect February 15, 2009 if approved on February 10th. See Old business # 3 above this is approved.
17. PEMA News Bulletin — No action needed
18. Charles F. Herr, Jr. letter — He will not be able to be the alternate SEO. Secretary will contact alternate suggested by Stan Wallace.

Treasurer's Report: (FEB 57-59A) (Including list of checks written to date and mailed or those being presented for signatures at this meeting.)

Aberegg asked several questions on the checks that were paid: JJ Powell check (tank out of gasoline) Suburban Propane at \$750.00/month (two deliveries for the garage heating) Gettig stated the thermostat should be set down to 50 degrees, Embarq phone bill one is for zoning phone and the other for office fax line. **Aberegg made a motion we pay the bills and approve the report. Gutshall 2nd Aberegg – Yes Gettig – No Gutshall - Yes**

Secretary asked Supervisor Gettig if there was a problem or question with the bills that I should know. He stated No.

PLEASE NOTE ALL BALANCES BELOW ARE AFTER ALL CHECKS HAVE BEEN WRITTEN.

General Payroll --- \$93,547.73	(does not include Park \$) Park \$ in General Fund --- \$ 750.00
PLGIT General ---- \$48,677.90	SPLGIT State --- \$38,765.52

Check totals paid from Marion Township checking accounts are below for approval with the Treasurer's Report. The check numbers and amounts included below are for checks paid since the January 6, 2009 meeting through February 10, 2009.

Check #'s 1866-1889 for \$7,522.42 from PLGIT General; Check #'s 2785-2802 for \$6,366.48 from Payroll General account; Check #'s 179-181 for \$1,946.56 from State Funds (Highway)

Gettig brought in an agreement for snow removal between Marion Township and Thomas Templeton for the year 2005. This was in answer to a comment at the last meeting. The agreement was agreed to for Health and Safety issues at the Templeton trailer park in 2005 only. Agreement was to be in effect for 2005 only.

Meeting of February 10, 2009 was adjourned at 8:50 p.m.

Respectfully Submitted,

Jack Aberegg, Chairman

Ellie Trulick, Secretary/Treasurer

Archie Gettig, Vice Chairman

Ray Gutshall