

MARION TOWNSHIP SUPERVISORS MEETING April 14, 2009 at the Township Building

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

Guests: Rod Fye from Centre Co Solid Waste, Shirley Dolan, Herb Chapman, Ken Roan, Tina and Brian McCauley, Lisa Hovies, Richard Lutz, Donald M. Franson, Orie D. Hanley, III, John R. Dillon, Tim Weight

Meeting was called to order at 7:00 pm followed by Pledge of Allegiance

Minutes of March 10, 2009 meeting were approved by motion of Gutshall. 2nd by Aberegg - Aberegg – Yes Gettig – Yes Gutshall - Yes Gettig asked if all resolutions are completed for the posting of our roads. (Old Business # 1 in March 10, 2009 minutes) Gutshall stated that all information had been received from Penn DOT and the project was to be completed in the next month.

Guest/Public Comments:

Rodney Fye from Centre County Solid Waste Authority presented a brief power point information on “Who I am and What I do” He asked for a truck from Marion Township and a driver for the clean up to be held April 25, 2009. Fye had a question on the landowner of the dumpsite down the road. He had pictures of the site to pass around. McCauley stated it was Charlie Weaver. Since that is private property we do have an Ordinance in place to take care of this issue. Hovies asked about the property owner being fined for this. He can be. Aberegg asked if the Township would need to pay the dumping fees. No the Clearwater Conservancy will pay the fees. The Township will be given a certificate on this. Gettig asked about a dumpster being put on site. Fye stated that in the past these dumpsters are filled up with other items and his main concern is getting this site cleaned up now. **Aberegg made a motion we furnish a truck and a driver to haul the items to the dumpsite. Gutshall 2nd Aberegg – Yes Gettig – Yes Gutshall – Yes** Clearwater Conservancy Clean Up Day is April 25th beginning at 8:00 a.m. HRI has volunteers to do the clean up.

Herb Chapman asked if he could use our dump truck, grader and backhoe at his property. Aberegg said no. Chapman asked why Ray was allowed to take the equipment to his house and he is not. He is a taxpayer. Aberegg explained that the work and training were done at Gutshall’s property for safety reasons and other work was being done on the Nittany Ridge Road. Gutshall is the Head Roadmaster and he was training all the new Roadmasters after the previous men had quit. Aberegg stated that the next training day could be done at Chapman’s property if he let them know the day and time.

Old Business

1. Further discussion on telephone and inter-net connection. Discussion on whether we need 5 phones. We only really need 3 cell phones now. Aberegg stated that with the number of pages in packets, he would prefer to receive the items via the computer. His Internet is \$60.00 per month and he is very pleased with the service he now receives. Gutshall stated he needs to keep his landline due to the impairment of his wife’s eyes. He uses his own private cell phone for most of the township business. Aberegg made a suggestion that each Supervisor be given \$30.00 a month or a cell phone from the township. Aberegg asked that each Supervisor consider how they would prefer to handle this item and discuss at the next meeting.
2. Gettig asked if any correspondence had been received from the State Police in regards to the complaints made at a previous meeting. Gutshall stated that he had the police report and had not completed it for any further investigation. The investigation could include various people’s time and charges to be filed at any time. Gettig asked if any motion had been made to file charges against him at any meeting. It has not been. The paper work that he received before the Executive Board Meeting was given out that evening and was not included by the Secretary in any Supervisors packets.
3. Shirley Dolan asked for the supervisors to find out a cost of the wood that was dumped at her house from Mr. Kline’s. Mr. Kline stated to give the wood to anyone who wanted it. No cost involved per Gutshall.
4. Hovies asked why the items from the past are being brought up. Aberegg stated that the Supervisors are operating under the direction of our solicitor and the items discussed in the Executive Session were to not be mentioned. Aberegg stated that Gettig had brought this up at this meeting and the investigation and the charges leading to be left in the past. Aberegg would very much like to see it all be in the past we could move on and not mention it again. Chapman stated that Aberegg only wants to “brush things under the rug” when they deal with Gutshall. Aberegg then mentioned the phone call he received stating that the Township was cutting trees and the trees were delivered to some ones house. Aberegg called the Head Roadmaster and he took me up there and looked. This did not happen as Chapman told me on the phone. Gutshall stated that no wood was cut by the chain saw except to cut a limb across the property line to get a wire in. Aberegg and Gutshall then looked at the truck bed and there was no wood that would indicate that any wood was cut or delivered to any one. Gutshall stated that Chapman did not see them cut any tree down. Roan as the Park and Rec Chairman was asked about the trees being cut. Roan said that only two trees were cut down. Chapman had pictures to show that a tree was cut down recently. Roan stated that he would take Chapman

up to the Park and see where the tree was cut down and come back and report. Dillon stated that he saw no leadership from the Supervisors. Shirley Dolan asked why the public shouldn't know what was going on with Archie. Aberegg stated his personal opinion is to forget the State Police and the DA and the whole thing. Aberegg asked Gutshall if he wanted to continue with this or stop it and forget the whole thing. Gutshall stated here is the situation, if we say that we forget about all this and the things that have been done are not going to be corrected. I did not want to get the Township in bind financially with the solicitor and etc. It seems like Mr. Gettig wants to have people speak for him. Comments were made from Hovies on conduct. Gutshall stated that he was not going to give it up and would speak to the trooper tomorrow. Aberegg stated that the situation could have been taken care of at the Executive Session that Gettig would not attend previously. Bryant was called to help since the Executive Session originally called for could not be held. The township did pay his bill for being here. Gettig said he would like to see it all go away. Aberegg said that a lot of things are happening in the township that were not done before. Aberegg said he would look at the Head Roadmaster reports from March 2008 back for 10 or 15 years and I would look at the Head Roadmaster reports from March 2008 to date and let the record stand where it will. Gettig stated he was not required to do this before by the Supervisors. Aberegg asked Gutshall if he was willing to forgo this stuff and leave it go. Gutshall will not continue with investigation at this time. Gettig asked if anything had been received from the trooper yet. Aberegg stated it appears that we have trucks following us around. In the past things have been going on that should not have happened also. **Accusations should stop now.** Any complaints should be called to the office or come to a meeting and speak. Calls and letter must have the name to identify you. Dillon stated that if you make an accusation you should be man enough to stand up and admit it. Ethics Commission said audio and video tell it all and they are allowed to be done. Gettig called the Ethics because he wanted to know what was being done.

5. Franson discussed the culverts that need replacement. He is going to apply for the GP 11 permit. Work can only be done from June thru October. Permit is good for many years. If work is unable to be completed in the near future. Some changes have been made and cost will increase. Must meet the 25year storm. Once the permit is received it is only a 2week job. Discussion on the compacted on the sides is very critical. One Call must notify by the company doing the work. Franson hopes to have everything submitted by the next meeting. Secretary signed 2 forms for Franson.

New Business

1. Nittany Valley Joint Planning Commission (NVJPC) – A brief item was in the Howard Hustler about the I-99/I-80 interchange. Gettig stated they are surveying the Shay Lane. McCauley stated they may be rethinking this and put it back where it is. Looking at the dollars required they couldn't do the narrows at this time. No funding presently. PennDOT will need to work with the Federal Highway Commission on the current interchange laws.
2. Park & Rec March 4, 2009 – TruGreen bid is \$474.00 and Lawn Doctor is \$796.00. Roan was asked if he was satisfied with the TruGreen work last year. He was. Roan wants to be notified before they come. **Aberegg made a motion we accept the TruGreen bid. Gutshall 2nd Aberegg- Yes Gettig- Yes Gutshall – Yes** Roan stated a ramp needs to be placed at the toilet at the Park for ADA purposed. Franson stated that screenings might be used for this now. A permanent ramp may be placed when the grading work is finished at the Park. Roan said a lot of dead trees need cut down. Can they be cut down and sold or used. Park & Rec could clean it up or township employees. Take it under advisement to decide what to do and decide by next meeting. Supervisors should all look at the area and decide. Could be sold as fire wood, etc. Lights are up need hot-wired, concession stand is marked out, and scoreboard doesn't work properly. Secretary is to contact manufacturer to determine cost to come here and correct. Roan will get the information to me. A letter should be sent to Barry Davis from Hanson to thank him for taking out the pillars at the Park. Roan stated that a small tree had been cut down and it is still lying there. It is fairly fresh cut but it has not been delivered to any resident as stated above. Wire boundary needs to have a lot of ribbons on it. Safety purposes.
3. Zoning Report for March 2009 – **Aberegg made motion to give permission to Computer Technologies to place all permits on the web site at a cost of no more than \$1200.00. Gutshall 2nd Aberegg – Yes Gettig – Yes Gutshall – Yes** Secretary is to check with SEO on the cost listed on the information sheet and make some changes before sending to Computer Technologies. All information should be as accurate as possible for all permits and the Township Road Occupancy Permit Approval. The permits may have been issued previously and this does not pertain to everyone. Gettig asked about a previous balance from a resident being paid. Secretary stated nothing in the accounts receivable currently. Aberegg stated that he believes that the board had just taken it as a loss. Weight stated the only persons he knows of not to permit is in Hickory Knob and the Fort Bellefonte Campgrounds.
4. Head Roadmaster Report – In addition to the report handed out Gutshall stated that Hanson has removed the cement columns at the Park. Signs have been erected at Sunset Drive. No decision made on the bus turn around on Sunset Drive. The problem is when pulling out on Hublersburg Ridge Road. That is not a township road and Gutshall will discuss further with Patti Hilliard on this. New office is complete for a few minor items. The repairs have been made at the Park from the accident in January. The insurance forms have been signed off and a check should be forth coming soon. Discussion of shed bid. Starting to replace the second 1/3 of the road signs. Clean up of township road towards Howard. Discussion was held on the Adopt –A-Highway program. Lion's Club does RT 26. 4-H and Scouts do it for Walker Twp. Possibly Bellefonte High School students could do it. Secretary to contact United Way and the high school on this issue. Contact Historical Society about the iron kiln furnace to have restored. Stone has is being taken out of it. Secretary

- call College Township about the one located there. Discussion on the cars on blocks in the township. What can be done? Weight stated that the vehicles must be out of registration for 2 years before being requested to be removed. Farm vehicles and equipment were mentioned. They are not identified in the rulings. Notify Tim if you have a specific vehicle in question and he will check it out. The new shed bid was approximately \$14,000. Gutshall stated that we did not use enough manpower costs to break up the salt last year to justify this cost. If other bins are to be done we should look down the road and consider putting the bins up where the new building is to be at the Park.
5. Planning Commission Minutes for March meeting – No action to be taken.
 6. Centre County Solid Waste February/March 2009 Report - FYI No action needed. Rodney Fye presented the Clearwater Conservancy and their information above.
 7. Walker Township notice of Rededication Ceremony and Community Day Celebration - **No action needed**
 8. County of Centre Planning Community Development letter March 18 Sand Ridge Subdivision – No action needed
 9. County of Centre Planning Community Development letter March 19 RE Hanson Aggregates to Mr. Bisco at DEP – No action needed
 10. Franson letter March 21 on Nittany Farms Subdivision 4th Review – No action needed.
 11. Dolly Dunlap resignation as Appointed Auditor – A new auditor will need appointed next year.
 12. Zoning Ordinance for Benner Township - No action needed.
 13. Porter Township holding PSATS Fire companies meeting - Aberegg will attend this seminar. Secretary will send registration and check to Porter Township.
 14. Millheim Fire Company No 1 100th Anniversary – Want to set a World’s Record Bucket Brigade on June 20, 2009 – No action needed
 15. DCNR Completed Grant Package – A correction was made on the engineering cost on the budget form.
Aberegg made a motion to adopt Resolution # 2009-02 giving the secretary authority to sign all grant documents. Gutshall 2nd Aberegg – Yes Gettig – Yes Gutshall – Yes
 16. Notice of Liquid Fuels to be received \$27,250.47 – FYI only money has been received and is in the State funds.
 17. Spring Township Proposed Corrections to Ordinance Number 2007-03 and Floodplain Conservation – No action needed.
 18. Bald Eagle School District Tax collector Information – **Aberegg made a motion we send the letter drafted by the secretary to Senator Corman and Representatives Hanna and Benninghoff. Gutshall 2nd Aberegg- Yes Gettig - Yes Gutshall - Yes** Bald Eagle Area School district tax collectors have requested support on the recent disagreement with the changes made to their compensation by the Bald Eagle Area School Board. McCauley discussed the issue of the lawsuit being filed. Centre County Tax Collectors Association has put their money into this fight to protect themselves from this happening to them. **Gettig made a motion we send the Centre County Tax Collectors Association \$300.00 Aberegg 2nd Aberegg- Yes Gettig –Yes Gutshall - Yes**
 19. Resolution 2009-03 - **Aberegg made a motion we adopt Resolution # 2009-03 Gutshall 2nd Aberegg – Yes Gettig – Yes Gutshall – Yes**
 20. Invitation to Kevin Harrison Eagle Scout Ceremony – No action needed. Roan is going to the ceremony
 21. PSATS –Proposed resolutions and bylaws changes for consideration at April Conference. FYI No action needed
 22. PEL March 2009 News and Views – FYI No action needed
 23. Natural Gas Drilling and Municipal Regulations Seminar at PSU April 15 – No action needed (no one to attend)
 24. Information for printing and copying the Newsletter – Aberegg stated the cost would be less expensive than current costs with paper included. **Aberegg made a motion we contact M & M Copy Service for the next Newsletter printing. Gutshall 2nd Aberegg- Yes Gettig – Yes Gutshall - Yes**
 25. E-mail between David Aberegg and myself on the invoices paid to Computer Technology Specialists – FYI No action needed
 26. I have the Centre County Long Range Transportation Plan 2030 updated June 26, 2007 and July 16, 2008. Copy was given to Supervisors to read and then return to the Secretary to pass on to the Planning Commission.
 27. Information on Triathlon being held to honor the service and sacrifice of Penn State graduates. – Will be biking through Marion Township. No action needed
 28. Nittany Farms Subdivision letter from DEP April 2 – Permit granted for discharge of storm water from construction activity. No action needed
 29. Planning and Community Development Office letter April 3rd – FYI No action needed
 30. E-mail received from Tammy Coakley concerning Fire Assessment Tax Check – Discussion on Howard Volunteer Fire Co on the 65% of FAT in addition to any additional amount for Emergency Service Fee. Was this a gentlemen’s agreement in the past? Secretary is to contact Tom Bowes from Howard Fire Co. concerning this matter and request a meeting be held with the Supervisors. Also see what other municipalities have an FAT tax and are paying them both fees. Aberegg went back to a 1993 agreement and in 2003 the agreement was for the 65%. Aberegg asked Gettig if as a previous Supervisor he knew anything about this being paid. Gettig stated he only knew about the 65% being paid since 2003 and not the Emergency Services Fee. Aberegg stated if we owe this we are willing to pay it. Orié Hanley, III stated that the Howard Fire Company had lost a Jr. member of the Fire Company on Saturday. **Gutshall made a motion we send a letter of condolences to Howard Fire Company on the death of Tyler Schlegel Aberegg 2nd Aberegg – Yes Gettig – Yes Gutshall - Yes**

31. Letter from Seven Mountains Emergency Medical Services Council, Inc. of March 31 –Aberegg suggested he may be interested in this and may be able to attend. Secretary will contact them for more information and notify we may send someone.
32. DEP letter of April 3 concerning clean up of diesel fuel spill on I-80 –FYI No action needed
33. County Planning and Community Development letter of April 7th – Louise Manginell subdivision information. This has been given to the Planning Commission for review at the meeting of April 16th. Municipal Response needed by May 11th. **Aberegg made a motion we check the no comments box after review of the Planning Commission at their next meeting a long as they have no comments. Gettig 2nd Aberegg- Yes Gettig – Yes Gutshall - Yes**

Aberegg made a motion we approve the Treasurer’s Report and the checks listed for payment/signatures. Gutshall 2nd Aberegg – Yes Gettig – Yes Gutshall – Yes Gettig asked when Hanley was hired as an employee of the township he had not received confirmation on that. Gutshall stated it was about two weeks or so after the last meeting.

Treasurer’s Report: (APR 143-146) including the list of checks written to date for approval with Treasurer’s Report. (Some checks were mailed and the balance is being presented for signatures at this meeting.) Checks listed above are from March 6th through April 7th, 2009. Check numbers and the amounts are on the listings and it will be included with the official minutes for filing.

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

General Payroll ---\$110,051.97 (does not include Park \$)	Park \$ in General Fund --- \$ 750.00
PLGIT General ---- \$31,296.90	State Equipment \$ = \$5,450.09 \$PLGIT State --- \$59,273.95

Aberegg made a motion to adjourn. All were in favor.

Meeting held April 14, 2009 adjourned at 9:55 p.m.

Respectfully Submitted,

Jack Aberegg, Chairman

Ellie Trulick, Secretary/Treasurer

Archie Gettig, Jr.

Ray Gutshall