

ATHENS TOWNSHIP SUPERVISORS
August 31, 2011 6:30 PM

Chairman Reagan called the meeting to order at 6:32 PM and took the Board into executive session for personnel. The regular meeting reconvened at 7:05 PM.

Chairman Reagan called for the opening of the bids for crushing, which were as follows:

A. J. Trunzo, Inc.	\$4.88/yard
Villager Construction, Inc.	\$3.95/yard

On motion of Jack, second by Maurice, it was unanimous to award the bid to Villager Construction, Inc. The bid includes loader(s) and operator(s) as well.

Voice of the Residents:

Donald Jones of Bressler Street was here to follow-up on the issues with Bressler and Elmira Streets that he brought to the Board last month. Ron said we haven't discussed it. Don asked if we will discuss it. Maurice said we should take a serious look at it. He's not sure what we can do with Randy – let's approach him. Ron asked if he meant with a cul-de-sac proposal and Maurice said no, with the curbing suggestion. Ron asked if we're prepared to make residents install sidewalks (Bressler, Herrick, Pennsylvania Avenue...). Don said there were other options given – not sidewalks. He asks us to do more research on this.

Brian Miller of Bressler Street said he is full support of Mr. Jones' idea. There are almost 30 kids on that street now. There should be an increase of police presence.

Cheryl said people use Pennsylvania Avenue to circumvent Elmira Street. When the kids have open campus, they use Bressler Street to drive or walk. It's a busier street now because of Elmira Street.

Dan Stark of Clinton Street said they want a cul-de-sac on Clinton as well. They see people go 50-60 mph down the street and they don't even stop at the stop sign at the corner. It's the Walmart superhighway.

Gary Gregory of McDuffee Street said they want a cul-de-sac, too. He said everyone uses McDuffee, Clinton and Herrick to get to Elmira Street from Pennsylvania Avenue. It's not just Bressler – they all have the same problem. They should get curbing, too, and a more frequent police presence for enforcement. Don Jones said Bressler Street is the only street that goes through the middle of a business.

Gary Gregory said they had another ambulance call where the ambulance could not find the house. Two of the houses on his street still show the RD #2 numbers from

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the 1970's. He wants to go back to the old numbers if we're not going to enforce this. PLEASE get someone to finish this soon!!

On motion of Cheryl, second by Maurice, it was unanimous to approve the minutes of July 27, 2011 as written.

Clif Cheeks of Planning Commission presented the Arthur/Nancy Wolf subdivision on Sunnyfield Drive for review and approval. There were 6 deficiencies, but all have been met. Planning Commission recommends preliminary and final plan approval. On motion of Ron, second by Robin, it was unanimous to grant preliminary and final plan approval to this subdivision, and to execute the sewage module.

Robin advised the Board that Keystone Consultants has requested a waiver of the sidewalk requirement for the proposed Microtel to be located on the Hurley property on Elmira Street. Discussion was held. They stated that the adjacent properties do not have sidewalks. Robin presented an email she had received from Ed Reid concerning this. He said the property to the north of this proposed development is owned by Walmart. Walmart intends to install a sidewalk around the road frontage of their property, including Winslow Street. C & N Bank already has a sidewalk. Maurice asked if Wendy's had a sidewalk and Ron said no – it was paved to the road, but they were also there before zoning. He added that Simmons Rockwell has delineated an area of their paved lot as a 'sidewalk'. On motion of Robin, second by Cheryl, it was unanimous to deny the request for the sidewalk waiver.

Robin said she received two applications today for Conditional Uses. The first was from Aqua PA to put a water withdrawal facility on the Skerpon property located on Riverside Drive. The second was from Glenn O. Hawbaker to put a water withdrawal facility for their own use from the Susquehanna River to their Route 220 asphalt plant. She suggested we could possibly do both on the same night. We need to pick a date between October 17th and October 28th. On motion of Ron, second by Cheryl, it was unanimous to do both hearings on October 20th at 6:30 PM. John Thompson will contact Linda Wettlaufer and Robin will do the legal notice. John Wilkinson said he was surprised there was enough room for Aqua to do a facility there, because he thinks there's only about ¼ acre there. Jack said he talked with Andy Silvanic of Aqua PA and Andy said he has about 8 acres secured.

Richard Bean reported for the Park Commission. He said the basketball and volleyball courts are complete in the Jim King Memorial Park. Jack and Robin both said they have received a lot of good comments about this. Richard said they have applied for a Greenway grant of \$500 for landscaping at that park. He will ask the neighbors to supply the labor. He will be meeting with them tomorrow. Maurice has been hired as the new

gatekeeper. Richard said the storm knocked over a big tree that just clipped Pavilion #5. Barry is taking care of that. He also said the volleyball net has come up missing and we need to get another one back up. The Greenway has identified the trees on one trail in the park, and will do another one. They will put brochures here at our building and in the restaurants that will coincide with the identified trees. The park commission will be actively looking for grant funds for the pond project. Richard said no one has camped at Tozer's Landing for two years, and only one group camped in 2008. They will be doing away with the camping at that site and will be cancelling the insurance for camping. We need to take it off the sign as well. Pathways for Play has partnered with Promoting Healthier Communities for the engineering study for a trail at Tozer's Landing. They will pay half the cost and our Park Commission will pay the other half. The cost will be \$5,440 total. We received a \$76,000 grant for a composting toilet to replace the pit toilets at the flying field in Round Top. We will probably do this next summer. Ron asked about the Pathways for Play trail that would be done at Tozer's Landing Boat Launch. Richard said they will create a trail with exercise equipment on it for kids to use as they hike. He added they want to keep a trail down to the other end of Tozer's for another boat launch. On motion of Ron, second by Robin, it was unanimous to have the park commission pay half the cost of the trail engineering. On motion of Robin, second by Ron, it was unanimous to hire Maurice Fay as the gatekeeper at the salary set by the auditors for this position. Maurice abstained as this directly affects him.

Ray Brobst said he and Jack Walter met with JC Christiansen and Mattison's to get an estimate for the removal of the 5 trees that need to be removed from JC's bank to hopefully stop the bank from sliding into our ditch and road. Mr. Christiansen had been to see Robin after that meeting and she gave him a copy of the Right To Enter agreement that Attorney Thompson had drafted in order for us to be able to remove the trees. Mr. Mattison had given an estimate of \$450 for one tree only. JC has the written estimate. Robin said he was supposed to be here tonight and he was going to bring the estimate with him. JC doesn't want any trees taken off the top of the bank, just the one tree on the side. Robin said it was her understanding that in order to correct the problem, 5 trees needed to be removed. Ron said that's what was stated at the first meeting with Bradford County Conservation District. Discussion was held. On motion of Ron, second by Jack, it was unanimous to have Attorney Thompson send a letter to Mr. Christiansen advising him that we wish to remove the 5 trees originally identified for removal; that we can't force him to let us do it, but that he will be liable if anything happens.

Ray had secured three quotes for asphalt. Eastern Industries was slightly less than Dalrymple, but any savings would have easily been eaten up by having to travel to Eastern's Towanda location. On motion of Cheryl, second by Jack, it was unanimous to award the quote to Dalrymple.

Ron said Chesapeake has damage to repair on Sunnyfield Drive and Reagan Road. Robin will make Eddie aware. Attorney Thompson said EOG Resources is looking to execute a RUMA with the township for about ½ mile of Bluebird Road and nine-tenths of Ballentine Road. Ron told Ray not to touch these roads as the gas companies will take care of the repairs through the RUMA. Ray asked if they would be doing Farr Road because there are potholes in that, too.

Ray said the chipping is done, but they have a lot of work to do before winter and not enough time. They are working on McKinney Hill Road replacing crosspipes. His goal is to get the pipe in on Jacklin Road and finish Westbrook Street.

Ron brought out pictures of Beaver Pond Road that he drove last night after 5 PM. He asked Ray why the guys left all the piles of dirt in the road. Ray said it was probably all mud. Ron said we can't be doing that because it could cause an accident. Ray said "It's just a memory now". Ron said gave the pictures to Ray to show the guys, and told him they can't leave the roads like that. Ray will talk to them.

Maurice had requested that we look into an engine brake ordinance again. Robin read the information she had collected on this issue. It is basically a safety issue, and we'd be taking this feature away. What would our liability be? As with most everything else, it's one or two 'bad apples' that give them all a bad name. We would not be able to put this in without PENNDOT's permission. District 2 does not allow these ordinances, but we are in District 3. Ron asked how would we enforce something like this? By the time it was reported, the truck would be long gone. Cheryl asked how we can enforce this when we can't even enforce the speed on Bressler Street. On motion of Maurice, second by Jack, it passed to send a letter to PENNDOT requesting the procedure to ban engine brakes on all our roads. Robin and Cheryl voted no.

On motion of Robin, second by Ron, it was unanimous to reappoint John Baird to the Zoning Hearing Board for a term to expire September 9, 2014.

On motion of Ron, second by Cheryl, it was unanimous to adopt RESOLUTION 2011-09 authorizing Robin to give testimony on September 15, 2011 in Stroudsburg to try and get the 220 Corridor in Greens Landing on the TIP 12-year program, and to allow her to get a hotel room if necessary and pay her salary for the time she would have worked.

On motion of Robin, second by Ron, it was unanimous to have Ruth open a "Bridge" bank account for the Thomas Avenue Bridge Replacement, with Ruth, Robin and Ron as the signatories.

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On motion of Robin, second by Cheryl, it was unanimous to adopt RESOLUTION 2011-10 designating the Chairman as the signatory for the Thomas Avenue Bridge Replacement Agreement, to execute said agreement as well as the Electronic Access agreement.

Ron would like to have us do road inspection before budget. We set September 24, 2011 as the date and will meet at the township building at 9 AM. Robin will ask Ed to see about getting us a van for this and will make sure Ray knows.

Robin received a request from the water company to put a hydrant in the area of Joy Street and Sandra Avenue. Aqua will need a letter from us requesting this, if we approve. On motion of Maurice, second by Robin, it was unanimous to have Robin send a letter to Aqua requesting this additional hydrant.

Ron skipped to the Northern Tier Regional Planning and Development Commission (NTRPDC) lighting upgrade and retrofit grant. Robin attended the mandatory workshop for this grant, which will be a 50/50 grant. Commonwealth Energy Group, LLC did an inventory of our lights at this workshop and will send a proposal for the upgrade and retrofit. We can receive up to \$2000 from NTRPDC towards \$4000 of equipment (no labor), and will also be eligible for energy rebates from Penelec. On motion of Maurice, second by Cheryl, it was unanimous to participate in this grant program.

Next was the Landlord/Tenant ordinance. John Thompson said he looked at it again and said he agrees that it will help Berkheimer with the collection of Earned Income Tax. He feels it's a necessary step to help the taxpayers of the township. Ron asked how we catch the people who work in NY but live here? Robin suggested Berkheimer invite the NY employers to the meeting they're scheduling with the PA employers. Rita Jo Swingle said she thinks they're catching a lot more of those people with the Earned Income Tax than with the Occupation tax. Ron asked how we would enforce this. Cheryl thinks we should wait and see how it works out with Berkheimer. Ron asked how we know who the landlords are. Discussion was held. Jack made a motion to adopt the ordinance. Rosco Smith said that's selective enforcement and it's illegal. John Thompson told him that is not true. Cheryl said we need to work out the details first. Jack said all laws are like that. Robin said we don't have ANY details worked out. Ron said we don't know if it's just the renters – what about the people who work in NY? How are we going to enforce that. Roscoe said we should wait until Berkheimer meets with the employers. Roscoe added that it's just a simple add-on for the software he uses. Ron said we have a motion on the floor, is there a second. Motion fails for lack of a second.

On motion of Maurice, second by Cheryl it was unanimous to accept the monthly reports as presented. There was no fire chief's report.

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On motion of Cheryl, second by Maurice, it was unanimous to approve the monthly bills as presented. A complete listing of revenues and expenditures is on file in the office of the Treasurer.

Ron read the seven Act 14 notifications from the agenda. He added that the Subdivision and Land Development Ordinance revision is complete and on file for review. Public hearing and adoption has been advertised for September 28, 2011 at 6:30 PM.

The volunteer appreciation picnic date has been changed from September 14th to September 22nd because of scheduling conflicts. We will also be inviting the members of the Athens Township Volunteer Fire Company to this picnic.

Chairman Reagan took the Board into executive session at 8:40 PM for personnel and pending litigation. The regular meeting reconvened at 9:12 PM.

On motion of Ron, second by Robin, it was unanimous to sign the letter for Ruth stating the extension of the existing 2010 Police Contract.

On motion of Ron, second by Cheryl, it was unanimous to approve the Act 70 additional payment of \$4000.00 to John and Ruth Baggerly for right-of-way expenses for Road C. This payment is to be from the Road C funds.

On motion of Cheryl, second by Robin, it was unanimous to deny Mary Simiele's request for payment of overnight shipping charges for the Williams transcripts.

On motion of Jack, second by Ron, it was unanimous to have John Thompson send a letter to Mr. Ballentine to remove his new fence from our right-of-way.

There being no further business, on motion of Robin, second by Ron, it was unanimous to adjourn the meeting at 9:17 PM.

Respectfully submitted,

Robin L. Smith
Secretary

