

ATHENS TOWNSHIP SUPERVISORS
September 28, 2011 6:30 PM

Public Hearing for the revisions to the Athens Township Subdivision and Land Development Ordinance

Chairman Ronald Reagan called the meeting to order at 6:30 PM. Supervisors also present were Robin Smith, Maurice Fay, Jack Walter and Cheryl Wood-Walter. Attorney John Thompson was also in attendance.

Ron advised those in attendance that the Board had met on September 19, 2011 at 6:30 PM for an executive session for personnel.

Chairman Reagan recessed the meeting at 6:34 PM to conduct the public hearing for the ordinance revisions. He explained that he, Ed Reid, Clif Cheeks and our consultant, Kathie Hunter, had met over the last several months to draft revisions to the Subdivision and Land Development Ordinance to bring it up-to-date with current regulations and issues. He then went down through each "Article" and explained the changes that were made. He also read the new fee schedule.

The last time this ordinance was revised was September of 2000. He stated that the committee will be taking another look at our zoning ordinance to update that as well. Rita Swingle asked that Zoning Hearing Board be included in these discussions. Robin will advertise these as workshops.

Ron called for any public comment. There were no comments. On motion of Ron, second by Robin, it was unanimous to adopt ORDINANCE 2011-06: Athens Township Subdivision and Land Development Ordinance.

On motion of Ron, second by Robin, it was unanimous to adopt RESOLUTION 2011-12 setting the fee schedule for this new ordinance. The hearing adjourned at 6:45 PM.

Chairman Reagan reconvened the regular meeting at 7:02 PM, and announced again that an executive session for personnel had been held on September 19, 2011 at 6:30 PM.

Voice of the Residents:

Bill Cotton of 784 South Main Street, Athens, PA, introduced himself as the President of the Athens Borough Council. He said he was here at one of our July meetings to question how fill can be placed on the old Cohen property (now owned by Todd Campbell). He said we have just had a horrific rain event and Athens Borough was devastated. He asked if Zoning Hearing Board or Planning Commission had looked at this fill process over there. Robin said it doesn't have anything to do with them. Ed Reid added that they are not required to go to Planning until they do a land development.

Bill stated this fill created a coffer dam and caused the water to be raised higher than it would have normally. He had copies of several creek permits and said the material had to be taken out of the floodplain. Ron asked him what floodplain he was referring to, since the gravel had been removed from Satterlee Creek, not the Susquehanna. Bill said he would "give him that one". Bill said the township is responsible for having a surveyor periodically check the height of the fill at this site. He said he's "not pointing fingers" and Robin said yes, he was. This requirement was set by DEP – "the department" – and it is their responsibility to oversee this. Bill said it's his understanding that the township needs to look after this. He added there was no silt fencing to protect the river and he said it's the township's responsibility to enforce that as well. These requirements are listed in the DEP remediation plan for that site, and the township feels these issues are between Mr. Campbell and DEP.

Bill Cotton then stated that he believes Todd's fill caused part of the problem with the flooding of Athens Borough because it created a coffer dam. He also believes the material from Satterlee Creek should not be put at the Cohen site. He also stated that PENNDOT's bridge (across the Susquehanna) caused a problem, too, with the flooding of Athens Borough.

Ron Reagan asked him if he would be going the entire length of the Susquehanna River Basin like he is doing with us here tonight, to anyone who has done any work along the river.

Bill Cotton said he wants to know if anyone is checking the elevations of this fill at the Cohen site. He added that DEP says it's the township's responsibility to watch this. John Thompson said it was DEP that entered into this remediation agreement with Mr. Campbell – he doesn't believe DEP would be able to place these responsibilities on the township.

Bill then asked if anyone at our table had anything to say. He said he's not coming after the township, but added that when he was here at the July meeting, he told us if we got a horrific event, this would affect the Borough.

Ed Campbell of Wildwood Road said the Wildwood area was heavily flooded, and he thanked the supervisors for picking up the flood debris. He asked about spraying for mosquitoes and Robin said she received a notification that they would be spraying in Bradford County tomorrow.

Martin Hill said the survey of Shuman Hill Road was complete and he wanted to know the status. John Thompson said he had talked to the surveyor who thought John

should look at the site. John said since the Hills had retained counsel, he would formulate his response to their attorney.

Andy Watkins of Riverside Drive said the township has jurisdiction over DEP. He found that in the code. He referred to the Cohen property and asked if anyone had thought about the triaxles that go through there and then drag all these contaminants all over on their tires. He said Mr. Wilkinson should get a medal for removing all that gravel from Satterlee Creek – but Andy said it should be taken back up to the top of the mountain, not to the Cohen site. He said 2 years ago Cheryl made an analogy that the rising creek is like a fire. The creek got close to his house and she was right. Andy said East Athens makes up ¼ of Athens Township. He had to evacuate his house at 2:30 AM and had no place to go. There was no shelter in East Athens. The fire hall was locked. There was no fire protection. There were no police. Jack Walter said we had 4 police officers with a car stationed over there and Andy said he didn't see one until Saturday. Robin said Litchfield was available for fire protection. Mike Patton said Litchfield was not contacted. There was no truck at the East Athens fire station. Ron said we will have to find out what happened to the fire truck. Andy said this is our call and he can prove it to us 10-times over. He is only pointing fingers at Cohen's.

Gary Wilkinson said he has been here 30 years, and said for 27 of those years he's lived next to the creek. He was lucky enough not to sustain damages like others did in this last event. He said they have had DEP, Army Corp. of Engineers and the township over by their house. They all say it's bad, but the average person can't afford to clean the creeks. There are 5 groups that have some jurisdiction, but all they do is argue and point fingers. DEP is making inspections and measuring. The last time the creek was touched was 1986. Back in 2006, the creek jumped 150 feet toward Joe King. DEP says the "window of opportunity" is gone now – it's on your property and it's your problem. Before this event, Satterlee Creek was just a small channel. John Wilkinson had given up on it because all the 5 groups do is fight about it. As far as the bridge on Riverside Drive, the DEP guy told them to call PENNDOT and get them to clean out under the bridge, but they were told to mind their own business. It's lucky that people like his dad have equipment to clean this creek. Now he's getting hassled. They're working with DEP, as is Mr. Campbell – you'd think they'd tell you not to fill at Cohen's if you're not supposed to. Someone else made a comment that problems were caused because the creek was cleaned. Athens Borough and people are bitching about them doing what they're doing. The Fish Commission won't let you do things because they're only concerned about fish. The problem is that we can't get the creeks cleaned. Next time the bridge and houses will be gone.

Andy Watkins said (to the Board) you guys should care – it's part of your community.

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Letters of thanks were signed to B & W Video Recording Service for preparing the video submitted as testimony at the State Transportation Hearings for the Greens Landing traffic project, and to Chesapeake Energy Corporation for their help with the clean-up from the flood. Ron also thanked the Athens Township Fire Company for all they did and are still doing for the Valley residents. He thanked Keith and Robin for their emergency management duties, thanked Ed Reid for all his help with the cleanup, and said our road crew did a good job throughout the flood.

On motion of Maurice, second by Jack, it was unanimous to approve the minutes of August 31 and September 12, 2011 as written.

Scot Saggiomo presented the Chesapeake Appalachia, LLC Barrett Water Withdrawal land development for the addition of a hydrant for the purchase of water from Aqua Pennsylvania. This will get the trucks out of our Tozer's Landing Park so that residents can use it again. There were two issues still outstanding – the plans refer to a page E2, but there is no page E2 (per Chesapeake); and the 'no right hand turn for water trucks' sign is not on the plans. The sign is an existing sign that is there as a result of a previous decision of the Board. On motion of Jack, second by Robin, it was unanimous to grant preliminary and final plan approval to this land development.

Josh Brown of Chesapeake Energy said a requirement for a 10 ft. tall fence was set at their Conditional Use hearing for this site. He stated the fence won't do anything more as far as shielding from the light than what they already have in place. He requests that we drop the fence requirement. John Thompson said we would need to have another Conditional Use hearing in order to make any changes.

Next was the Five Star Equipment, Inc. land development at 711 SR 199. All the deficiencies have been met except for the highway occupancy permit (HOP), which was in the works. This store will be their 9th store. They will need to do some flood-proofing. They will also need to place 6 drywells on the property for better drainage. On motion of Jack, second by Robin, it was unanimous to grant preliminary approval ONLY, contingent upon receipt of the HOP.

Scot presented the Eastern PA Supply Co. (EPSCO) land development at 243 W. Pine Street for review and approval. All deficiencies have been met. This is for their expansion. On motion of Ron, second by Jack, it was unanimous to grant preliminary and final plan approval to this project.

Next was final plan approval for the Dandy Mini Mart parking lot expansion land development on White Wagon Road. They received preliminary plan approval in 2009

and are here for final approval. As-built drawings have been provided. On motion of Ron, second by Maurice, it was unanimous to grant final plan approval to this plan.

Scot presented the Dandy Mini Mart land development on White Wagon Road for review. This will be for preliminary plan approval only. They are looking to expand the building to create a store like the one in North Towanda. The plan was discussed. A 24 ft. drive lane needed to be shown behind the store. Additional green space was created to offset the wider lane. There are 4 deficiencies remaining:

- 1) Right-of-way (R/W) and pavement widths need to be labeled on the plan, and the R/W needs to be checked.
- 2) Utilities need to be located on the plans
- 3) Erosion and Sedimentation plan must be submitted and approved
- 4) Plan for the delineation of the parking lot from the road, and the traffic flow markings needs to be submitted

On motion of Jack, second by Maurice, it was unanimous to grant preliminary plan approval to this land development, upon resolution of the four above-listed deficiencies. Planning Commission listed two comments for the record:

- 1) They would like to see a fence around the pond on the north side of the property.
- 2) They would like to see traffic flow arrows to avoid confusion. Dave Young will put a plan together for this, and the delineation of the parking lot and roadway.

Scott asked if the supervisors got the Conditional Use review letters from Planning Commission and Robin said they did.

The Pennsylvania Association of Floodplain Managers' Conference is October 18th and 19th in Johnstown, PA. Robin would like to see Eddie go, and anyone else that may be interested. On motion of Ron, second by Cheryl, it was unanimous to send Ed Reid and anyone else interested to this conference, to secure accommodations for 2 nights, and pay him for the time he would have worked.

Richard Bean reported for the Parks and Recreation Commission. He has a new Eagle Scout project of a park bench and two trees being planted in memory of long-time Scoutmaster, David Mitchell. The basketball court is all done. Residents in that area will do the landscaping. A complaint had been received about the speeding on Glen Valley Road. Maurice will get with the police about that. The Tozer's Park engineering study will be approved tomorrow night at a special meeting. John Thompson is OK with it.

The composting toilet grant has been denied, because the new regime says the project does not meet the criteria. They now say we need to upgrade the outhouses to be handicapped accessible, we can't replace them. Mike Bull will call Tina Pickett about this. The \$500 landscaping grant was also denied. The Park Commission has voted to raise some of the pavilion rental rates, which are now as follows:

Pavilion #1: \$30	Pavilion #2: \$25	Pavilion #5: \$30
Pavilion #7: \$18	Pavilion #8: \$27	Pavilions #7 and #8 together: \$40
Pavilion #9: \$25	Pavilion #10: \$25	Pavilion #11: \$30
The entire lower level:		\$125
The entire upper level:		\$250

Ray Brobst was not present for Public Works.

Ed Reid presented a Road Use Maintenance Agreement (RUMA) from EOG for Ballentine and Bluebird Roads. The Board would like to include the intersections in the agreement as well. On motion of Ron, second by Jack, it was unanimous to approve, sign and execute this agreement.

On motion of Robin, second by Maurice, it was unanimous to ratify the submission of the pre-application for buyouts from the 9-7-11 flooding to PEMA, with Ron as the signatory and Robin as the contact person.

On motion of Robin, second by Cheryl, it was unanimous to ratify the waiver of township building permit fees for flood damaged structures. Code Inspections, Inc., has also cut their fees by 50%. People who are relocating to the township will receive a 1-year temporary permit for a residence or business.

Ron would like to see us create a rental registration form for new residents and the RVs - to be included with the permit they receive when they locate here. John will revise the form for our next meeting. Dan Stark questioned how we catch these RVs from the gas company. Eddie said he issues a 6-month temporary permit, and they can get an extension if they need it. He said the mobile home parks are working with us on this. Cheryl left at this time.

Robin said we need to be compliant with the radio narrowband requirements by January 1, 2012. On motion of Robin, second by Jack, it was unanimous to purchase the necessary equipment from Keystone Communications through PA State Contract 5820-02 in the amount of \$16,060.55 as per their quotes dated August 12, 2011.

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Robin received an email from PSATS about crews of non-violent inmates being made available from the Department of Agriculture and the Department of Corrections as help to clean flood debris from the creeks. Robin responded that we would be interested. On motion of Robin, second by Jack, it was unanimous to accept these crews if they become available to us.

Robin was directed to advertise the budget workshop for October 22, 2011 at 9 AM.

On motion of Ron, second by Jack, it was unanimous to approve Robin to host and speak at NYPENN Leadership class here on October 5th from 7 – 10 AM, to provide refreshments, and to pay her for the time she would have worked.

Robin presented the Minimum Municipal Obligation for the Police Pension Plan for 2012 in the amount of \$126,503 and for the Non-Uniformed Pension Plan for 2012 in the amount of \$84,772. On motion of Jack, second by Maurice, it was unanimous to approve the MMO as presented.

On motion of Jack, second by Maurice, it was unanimous to adopt RESOLUTION 2011-11, that there be no employee contributions to the current pension plans for 2012.

Ron read the monthly reports. There was no fire report for the second month in a row. On motion of Jack, second by Maurice, it was unanimous to accept the monthly reports as presented.

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

Ron read the four Act 14 notifications and 6 real estate assessment appeals as listed in the meeting agenda.

John Wilkinson stated that he was very satisfied with the police protection in East Athens during the flood event. He commented on the permits for cleaning out the creeks. He said they put 200 permits out to bid and had only 12 takers. He also stated that he volunteered to clean out under the Riverside Drive bridge over Satterlee Creek and PENNDOT would not approve that. They said it had to be done by the state workers.

Cheryl returned to the meeting. Chairman Reagan took the Board into executive session at 8:40 PM for personnel and pending litigation. The regular meeting reconvened at 10:15 PM.

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On motion of Ron, second by Robin, it was unanimous to have John Thompson order the transcript from the September 27th Zoning Hearing Board hearing for Williams Ford. John will contact Myra for that.

It was decided to advertise the Chesapeake Energy, LLC amendment to the Conditional Use for the Barrett Water Withdrawal site (removal of the fencing requirement) for October 20th at 6 PM, if the paperwork was received no later than September 30, 2011.

There being no further business, on motion of Robin, second by Maurice, it was unanimous to adjourn the meeting at 10:18 PM.

Respectfully submitted,

Robin L. Smith
Secretary