

RICE TOWNSHIP BOARD OF SUPERVISORS
MARCH 1, 2016

The duly advertised regular meeting of the Rice Township Board of Supervisors was held on Tuesday, March 1, 2016, at the Rice Township Municipal Building, 3000 Church Road, Mountaintop. Copies of the Agenda and Treasurer Reports were available to the public. Chair Marcia Thomas called the meeting to order at 7:00 p.m. It is announced that the meeting will be recorded for preparing the minutes. Interior cameras are also recording the video.

ROLL CALL: Arnold - Here
Pipech - Here
Thomas - Here

Also present were: Please see attached sign in sheet.

Received the Treasurer's Report: Total income for February was \$124,959.13 and total expenses were \$77,859.81. Bills presented for payment today total \$39,527.17. Balances as of February 29, 2016:

General Checking:	\$110,551.55	General Money Market:	\$125,399.52
Liquid Fuels Checking:	\$0.00*	Liquid Fuels Money Market:	\$2,500.36
Recreation Checking:	\$10,014.66	Recreation Money Market:	\$3,227.75

Total Cash on Hand: \$251,653.84

*A direct deposit of \$120,023.01 was made to the Liquid Fuels Checking Account on March 1, 2016. As recommended by the PennDOT Liquid Fuels Auditor, the full amount will be transferred into the Liquid Fuels Money Market Account, which is interest bearing.

MOTION by Thomas, second by Pipech, to accept the Treasurer's Report as presented, and all bills to be paid.

ROLL CALL: Arnold - Yes Pipech - Yes Thomas - Yes

MOTION CARRIED.

ENGINEER'S REPORT:

Engineer Pawlush discussed the issue of the sinking road on the corner of Laurel Drive and Lakeview Drive. He stated that there has been a 1 foot settlement, and that he is unable to determine the actual extent of damage until the road is excavated. He recommended not using the road at all until PennEastern can make a true assessment, and added that it doesn't look good. Engineer Pawlush stated that pictures were taken from inside the pipe and the top of the pipe looks good. He believes that the damage is occurring around the bottom and sides, where the pipe makes contact with the water. The Public Works department will need to take off the top of the road. Overall, this will be a major expenditure.

Roadmaster Pipech stated that he met with Chris Goetz from PennDOT; there is no emergency money available for this project. The Public Works department will be clearing brush around the pipe and will then take off the top layer of the road.

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Marcia Thomas explained that a sinking situation started on Laurel Drive in Laurel Lakes just to the east of the intersection with Aspen Drive; this was the result of torrential rains. The road has been closed and all departments are monitoring the situation.

Bob Pipech stated that the barriers were put up to close the road, and that by morning, the barriers had been thrown into the creek. Persons who tamper with road closure equipment are subject to prosecution should someone be injured as a result of traversing the closed road. Roadmaster Pipech placed 2 loads of stone on each side of the affected area to prevent residents from traveling the road. There was discussion about removing the pipe and installing a box culvert; Mr. Pipech believes that it will be too expensive to go this route.

Marcia Thomas stated that this is a tributary to the Little Wapwallopen Creek that flows from Laurel Lakes underneath Interstate 81 over to this side of Nuangola Road. She said that, as a tributary, we must handle this issue appropriately. She believes there to be depth issues regarding the size of the excavation. Bob Pipech confirmed that this isn't a job that can be handled entirely with a backhoe. The Public Works department will remove the top coat, but the job will need to be performed by a professional excavator.

Engineer Pawlush explained that the area is not just a safety hazard to motor vehicles. A child on a bike is also at risk; Roadmaster Pipech stated that someone walking over the bridge is at risk as well. Mr. Pipech explained that safety is of the utmost importance, and that the project will not be rushed through. The Board discussed funding options, such as utilizing Liquid Fuels monies or revising a Local Share Account Grant request submitted in 2015.

Karl Kaminski asked if there was funding available for small bridge repair. Bob Pipech explained that the roadway may not be considered a bridge due to lack of wing-walls. Marcia Thomas stated that there are a lot of options and we will be looking into everything available.

PUBLIC COMMENT:

Karl Kaminski asked if anyone has ever suggested extending Nuangola Road to 309 for convenience. Marcia Thomas stated that 20 years ago, it was looked at on an informal basis. She stated that the land is private, and that unless the State was willing to put it in, she doesn't see it happening.

Bob Pipech mentioned a committee that is possibly forming regarding a road from the exit to the Industrial Park. Chief Franks stated that it would be a limited access.

BUSINESS MATTERS:

MOTION by Thomas, second by Pipech, to accept the Minutes of the Regular meeting held on February 2, 2016.

ROLL CALL: Arnold - Yes

Pipech - Yes

Thomas - Yes

MOTION CARRIED.

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MOTION by Thomas, second by Pipech, to approve payment of \$350 to the American Heart Association, allowing Ptlm. Collotty to attend the BLS and Heartsaver CPR Instructor course.

ROLL CALL: Arnold - Yes

Pipech - Yes

Thomas - Yes

MOTION CARRIED.

Rice Township will once again be participating in the "Buckle UP PA Project" after not qualifying for the past 2 years. Chief Franks explained that we were enrolled in this at one point. It is a reimbursement from the State that pays for Police Officers to conduct traffic surveillance. It's mostly for Click It or Ticket. It goes from the middle of May to the middle of June.

Received the Zoning Officer Report for February 2016: 1 pole barn, 2 new homes. 3 total permits in the month of February, totaling \$450. Copies of the report are available to the public. Files are being streamlined for better accessibility; this is important because Zoning Permits must be kept forever. The permit stays with the property, not with the applicant. Zoning Officer Stier clarified comments from the February meeting in which she stated the anonymous complaint was consistent with previous anonymous complaints. The consistency originally referenced was in regards to the fact that it was anonymous and unfounded. The January 2011 Board of Supervisors meeting minutes stated that Mr. Stella believed all complaints should be signed.

Mr. Stella explained that the Board of Supervisors passed a Motion unanimously that was anti-anonymous complaints. This is consistent with the Resolution that was passed in February.

The verbatim minutes from the January 2011 minutes reference an anonymous complaint made against Felicia Bierzyski, in which the complaint was described as being grammatically incorrect and had numerous spelling errors. Zoning Officer Stier stated that this is consistent with the complaint most recently received. The 2011 minutes also stated that Stephanie Grubert was in attendance and discussed an anonymous complaint made against her yard; Stephanie Grubert was the target of the most recent anonymous complaint (13 Wilderness Drive).

A Right-to-Know request was received, requesting details about the previous complaints to back up the statement that was made at the last meeting; when the materials are gathered, they will also be shared with local news papers that have requested the same information. Marcia Thomas stated that there is a history in Rice Township of people utilizing State Agencies and Township Resources in this manner. Stier referenced the Minutes from January 2011, in which the Board of Supervisors declared anonymous complaints to be a form of harassment. Miller Stella reiterated that people shouldn't have to deal with anonymous complaints because they are a major harassment.

Stier stated that the anonymous complaints we are referring to are the ones submitted for the purposes of being a nuisance. Miller Stella stated that he contacted DEP himself to ask why the agency is still accepting anonymous complaints. He was told that they have to accept all complaints, and he argued the fact. Mr. Stella stated that it is a waste of resources.

Stier stated that it is a waste of taxpayer money; nuisance complaints take away from the time that could be spent on projects to better the Township. Marcia Thomas stated that it is a malicious abuse of the system for

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personal vindictive reasons. Miller Stella stated that it is kindergarten games. Marcia disagreed, stating that the problem is more serious. In the cases of previous complaints, the targets were any resident who spoke up at a meeting. Now, the targets seem to be anyone who is perceived to be an enemy.

To clarify, Miller stated that he made the Motion in 2011, George Venesky seconded it, all Supervisors voted 'yes'. Marcia Thomas stated that we will not let people use the system against our residents.

Stier asked that if a resident has a genuine complaint, and he/she fears retaliation from a vindictive neighbor, to reach out to a Supervisor or the Zoning Officer. The Officials are sensitive to those situations and will attempt to remedy the situation. The Officials are here to work for the residents.

Marcia Thomas stated that the old days are done. Residents no longer have to feel like they must agree with the Supervisors or else fear retaliation. She would like for everyone to spend their time working on positive projects, but stated that there are people who do not want to see that happen. She does not understand why anyone would not like to see the Township move in a positive direction.

Felicia Bierzynski stated that someone threw nails in her driveway and she backed over them. Marcia Thomas stated that a few residents were interviewed by State Agencies for complaints that were filed against them.

MOTION by Thomas, second by Pipech, to accept the Zoning Report as presented.

ROLL CALL: Arnold - Yes

Pipech - Yes

Thomas - Yes

MOTION CARRIED.

The Planning Commission did not meet in the month of February.

Supervisor Arnold stated that, as the liaison for the Fire Department, he had the opportunity to visit with the leadership and tour the Fire Hall. He stated that the firefighters are doing a terrific job and the equipment is in top-notch shape. He discussed the pending bridge project and assured the residents that a contingency plan is in place to provide protection to our residents. The Department is continually educating themselves to provide better service. He recognized the leadership for their service and the residents thanked them with applause.

Wright Township Volunteer Fire Company Report & Fire Police Incident Recap--Report read by Harold Fisher Jr.: "The Wright Township Volunteer Fire Department responded to 30 incidents in the month of February, 2016. Elections of officers were held and are as follows: Dave Pettit, Fire Chief; Gregg Gerko, Deputy Fire Chief; Harold Fisher, Assistant Fire Chief; Mark Gusditis, Captain; and Rachel Nickol, Lieutenant. Two appointed line officers positions have not been filled yet for 2016. John Yeager, President; John Saunders, Vice President; Tom Wasluck, Treasurer; and Stanley Gutkowski, Secretary. The department conducted routine maintenance on its apparatus and buildings/grounds over the month including truck inspections and some other minor repairs. The first quarter training calendar for the department has been completed and included a review of the past years classes as well as some new classes for the upcoming year. In February, the department attended NIMS 300 Training and bringing all new members up to current compliance with the NIMS system. In March, the department will be attending NIMS 400 Training to continue our NIMS compliance. The department will be reviewing the alarm cards for both towns. The board will receive a copy of these alarm

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Miller Stella asked if the Solicitor included any kind of waiver to release Rice Township of any harm in case anyone should fall. Marcia Thomas stated that the owners of the Ice House insure the property and take full responsibility for any liability. She explained that there is an indemnification and a hold-harmless clause. Attorney Sweigert stated that paragraph 7 is an indemnification clause. Paragraph 8 is a hold-harmless clause: "The lessee (Ice House Pub) agrees to hold the Township harmless from any and all damages to persons or property which may occur while on these premises."

Supervisor Arnold asked if a Maintenance clause or agreement was included as well. He asked who is responsible for potholes or plowing and stated that he would like to see it in the lease. Karl Kaminski stated that the landlord usually maintains the property.

There is discussion about the use of the Park-and-Ride parking lot compared to parking across the street from the Ice House Pub. Marcia stated that she is more worried about the liability that exists without the lease agreement. Attorney Sweigert agreed.

Marcia Thomas stated that Miller Stella was fine with the arrangement when he was a member of the Fire Company and the Pub was using the land for parking. Miller stated that he was aware of an agreement, although he never saw one. He stated that the Officers took care of it. Mark Manosky stated that he didn't think it was any different from St. Martin's Church utilizing the Park-and-Ride parking lot.

Marcia reiterated that if the lease agreement is not approved tonight, the Board will be in the position of preventing usage of the lot, which will open the Township to liability. Linda Fischer asked if the Board can vote to approve tonight, which will cover the liability, and then amend something at a later date. Attorney Sweigert stated that the lease agreement would be binding until February 2017. It also automatically renews unless the Township gives notification within 30 days of cancellation.

Rick Arnold asked if there was a lease in place originally. Attorney Sweigert said no. Arnold asked how long there has not been a lease in place. Attorney Sweigert explained that the Township obtained the land in December of 2015. Marcia Thomas explained the timeline regarding how the Township came to own the parcels, and added that this is the next logical step.

Karl Kaminski asked how many pages make up the lease agreement. Bob Pipech stated that it is a single page, and Marcia Thomas stated that the lease agreement was available to the public. Bob Smith suggested that Supervisor Arnold abstain if he wished, but to let it go to vote.

Roll call was taken, Mr. Arnold abstained, and there was discussion on whether or not he was allowed to abstain without a known conflict. Attorney Sweigert stated that he believes it would be a 'no' vote, but let the record show he abstained from voting.

MOTION by Thomas, second by Pipech, to name Alicia Stier the Rice Township Open Records ("Right to Know") Officer for the year of 2016.

ROLL CALL: Arnold - Yes

Pipech - Yes

Thomas - Yes

MOTION CARRIED.

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Secretary Stier stated that residents are now taking it upon themselves to form groups who wish to have private spraying done. Our information collection has been advertised in the Mountain Top Eagle and the Citizens Voice and we have not received a good response. There are not enough people who have responded to come up with the required contiguous area. Marcia Thomas stated that we have been in contact with State Legislators and with the Game Commission regarding the spraying. Secretary Stier stated that she spoke with Michael Beahm from the Game Commission, who informed her that Gamelands 207 will not be sprayed this year.

Secretary Stier stated that the only way spraying can possibly be performed, is if people from the community start talking to their neighbors and form their own group. She stated that she is more than willing to help people with their efforts.

MOTION by Thomas, second by Pipech, to adjourn. Meeting adjourned at 7:58 p.m.

Respectfully submitted,

Alicia E. Stier
Secretary