

## ATHENS TOWNSHIP SUPERVISORS

May 25, 2016 7 PM

Chairman Cheryl Wood-Walter called the meeting to order at 7 PM. Supervisors also present were Susan Seck, George Ballenstedt, Christine Vough, and Ronald Reagan. Solicitor John Thompson, Secretary Robin Smith, and Treasurer Ruth Casterline were also present. The Pledge of Allegiance was recited by those in attendance.

The bids for our Round Top Park Expansion Project Phase II were opened at this time. The bid from Insinger Excavating, Inc. in the amount of \$248,800 was the only bid received. The bid was reviewed by John and appeared to be in order. Richard Bean approved the board's acceptance of the bid. On motion of Ron, second by Susan, it was unanimous to award the bid to Insinger Excavating, Inc. contingent upon review and approval by both the township engineer, Skip Schneider, and DCNR.

Voice of the Residents:

Carol Carey of Clinton Street asked the Board to consider an ordinance regulating grass height in the township. She said Sayre and Athens both have this in their code. We need to be more diligent to have our residents cut their lawns. It's silly that we don't have an ordinance. Every lot with a house or structure should have to comply. Ron said the Board has looked at this many times but couldn't agree on a grass height. Cheryl added that it would be hard to enforce. You'd get a complaint and when you go out to check it, the grass would be cut. She has had different people say they are worried about their ornamental grass. Cheryl said there used to be neighborliness, and now that seems to be gone. We have gone around and around with this. Some people are lax, some are diligent. If we have just a couple of homes, is it worth the cost?

Carol Carey of Clinton Street also expressed concern with speeding on her street. She said they had the 'speed tracker' on Clinton for 2 weeks. In her opinion, it was very quiet during that time. Now it's ridiculous. People come out of Applebee's and fly up the street. If we're going to have speed limits, they need to be enforced. George said there has been some talk of writing citations instead of just sitting there as a deterrent. Cheryl said she has directed Chief Hurley to give no warnings – write the tickets! Carol said you need to crack down on this. George will speak to Larry again. Cheryl said when most people see that 'speed tracker' sign, it makes them pay attention. For others, it's a game. That sign keeps data. We'll be trying to use that data to determine peak times and trouble spots to prioritize enforcement.

Scot Saggiomo had spoken with Ron last week about our security cameras. They had been in last week to fix our existing cameras again. We are having issues with the cameras and with recording. He met with Larry, who also had some suggestions. Scot presented a quote for new HD cameras that also included 2 pan, tilt and zoom cameras, and an additional camera to show the back door and generator area. No action was taken.

Dave Steinfeld was present for the fire company. He said it has been unusually quiet lately – they had a 10-day stretch with no alarms. They are doing in-house training at the hall, and are doing ladder training. 15 firemen went to the burn tower in Binghamton for training. He expressed concern about the people being able to cut through the Dandy at the Wolcott Hollow/220 intersection and hopes this will be addressed with the signal upgrade. This will be addressed. Susan asked if they have any hoses that need to be tested, because they have some pipes clogged up in Queen Esther that have been a nightmare to try and clean out. Dave will speak to Chief Birks about assisting with that.

Richard Bean reported for the Parks and Recreation Commission. He has 5 Eagle Scout projects in the works: Zack Smith and Jeff Gao are each building 6 picnic tables; Spencer DeKay will be installing a flag pole for the American flag at Tozer's Landing; Cody Chandler has completed a trail from the circle parking lot to the lower pavilion; and Kamren Curtis will be building a trail from the new parking lot to the new picnic area. The water line work is complete at a cost of approx. \$2,800. There has been no resolution to the Mustang Carrier driver destroying the sign at Tozer's Landing. Our solicitor is handling that. We have received one quote for playground equipment for the park expansion. Jenny Wagner will be at the Park Commission meeting in July to talk about tobacco use in the parks. The Commission will be selling the trailer they purchased with the ATV. It needs some electrical work done before they sell it.

Scot Saggiomo presented the Legacy Motors land development at 2202 & 2218 Elmira Street for review and approval. Some of the deficiencies have been resolved. Dave Young, engineer for the developer explained the project. The oil and chip shown in the parking lot will be paved. They intend to close off one driveway. There will be no garbage service at the site because it will only be paper waste and the owners will take it to another one of their facilities. They also removed the vehicle prep note from the plans as this will be done at their Towanda facility. The detention pond has been moved to allow for future expansion – the township engineer is okay with the change. On motion of Ron, second by George, it was

unanimous to grant preliminary approval only, contingent upon the following deficiencies being met:

- 1) Erosion and sedimentation plan approval by BCCD, with copy to the township
- 2) PennDOT permits received for driveways, with copy to the township

Robin asked the Board if they want her to include the request for the required road study escrow (\$9,900) in the Austin letter. On motion of Cheryl, second by Christine, it was unanimous to have Robin include this request in the letter.

The Treasurer's report was reviewed. On motion of Ron, second by Cheryl, it was unanimous to pay the monthly bills as presented. A complete listing of revenues and expenditures is on file in the office of the Treasurer.

Ruth's report outlined several options for direct deposit. She recommends going with Paychex with an approximate annual fee of \$2200, and said we need to start at the beginning of a quarter. She suggests October, since one week's pay will need to be held back, and that will give employees time to plan for the first October pay of one week instead of 2 weeks. A checking account is required to participate in direct deposit, but Paychex can issue a paper check if someone does not wish to have a checking account. On motion of Christine, second by Susan, it was unanimous to contract with Paychex starting with the first pay period of October, and to have the one week holdover period.

Susan said the roads are coming along. They are cleaning ditches, and the dust oil has been placed on Cole Street. They do have the issue in Queen Esther with the clogged drainage pipes. Robin asked if we could rent something to unplug them and Susan said the guys told her you can only use water. She said our water truck is out of commission (needs an axle). The little roller is working wonderful. She priced a trailer to haul it and would like to purchase a Cross Country Mfg. trailer from Snake Creek Marine in Greene, NY at a cost of \$3,475. They make drop trailers and that is what we need. On motion of Susan, second by George, it was unanimous to purchase this trailer, and to pay for it with the remaining Act 13 funds left over from the roller purchase.

Road inspection was held on Monday, May 16<sup>th</sup>, and lasted about 3 hours. Ron said they did get the results of the Liquid Fuels audit and said Ruth does a good job keeping track of things. Cheryl thanked Ruth for her work.

The revised Drug and Alcohol policy was presented for adoption by John Thompson. John asked if there were any new questions or issues. This policy meets federal law, and he recommends passage pending any other questions. Christine had invited Roger Clink to our meeting to discuss the police department issues with the policy. John said the union had already approved the contract, and said you have the same union as the public works employees, right? Roger said the union never coordinated with their department, and he didn't get a copy until last Tuesday at 2 AM. Roger went down through the policy and listed the police department concerns:

- 1) Page two designates Robin as the Designated Employee Representative (DER). He wanted to know what her duties are for that position? He also said the policy should include a definition for a DER, and their duties. Robin said Susan and George have also had the training, and the intention was to add both of them as well. She said if it is a problem with her being on the policy, she will gladly step away. It has always been Robin since she has been employed here. Christine asked John if he can work Susan and George into the policy as well.

John Thompson asked Roger if he was at the February meeting with the union and the township about this policy. He said he was, but that John wasn't there. John corrected Roger because he was in attendance at that meeting. He said the union is the police department liaison and they should have coordinated with you. Roger said he only had an old copy of the policy at that meeting – he asked John Farwell for a copy, but Susan had to make copies for them.

- 2) Roger referred to page three concerning the post accident testing and the reporting of medications they are taking that are considered “drugs that impair”. They would like to see the list of drugs you have to list. He presented 3 lists of drugs that can be tested for under the Vehicle Code. He would like to see these lists used. He said item #1 is a real sticking point with the police department.

Ron Reagan asked what the officers do to a member of the public if they pull them over and they are under the influence. Roger said they can arrest them for driving while impaired. Roger passed out copies of the 3 lists to the Board. Roger said he doesn't know what CDL federal compounds are. Robin asked if the Board would like her to get the list of what American Drug and Alcohol (AD&A) tests for. John

Thompson argued that from the township perspective, they are doing their due diligence. Christine said she took a PennDOT training that said you can't ask for a list of drugs from employees. Robin said the CDL required paperwork has a form for employees to complete if they are taking a drug that could impair them. George asked if a deer jumps out in front of him on the way to Hershey, would he have to wait for testing?

- 3) Roger would like to know what is considered "probably cause".
- 4) He also asked what the testing instructions are. John Thompson said that would be determined on a case-by-case basis. You need to contact your DER. They contact AD&A and they make the decision. It would depend on the situation. Roger would like the protocol to be known. He would like them to be defined and attached to the policy.

John asked Roger why this was not discussed with the police department in February by your union reps? The whole purpose of the meeting was so your reps and AD&A could come to a conclusion. Roger said they're not happy with the union, either. Susan said this was agreed on as written by the Board, the union, and AD&A in February. Roger said they've been talking since February. He asked what AD&A tests for and John Thompson answered that was done at the February meeting.

- 5) Roger would like copies of the panels our company tests for and would like a copy of the "second panel".
- 6) Roger said they want the HIPAA laws to be followed. Cheryl said she's okay with taking out the last sentence of #1. John Thompson said if there is an accident and a lawsuit follows, you know the other attorneys will dig to see if you have followed proper procedure and done your due diligence.

Robin asked if the Board would like her to put this out on the PSATS Discussion Group to see how other townships handle these issues. No action was taken on this policy at this time.

On motion of Ron, second by Cheryl, it was unanimous to approve Ed Reid's Floodplain Manager Certification renewal.

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On motion of Ron, second by Cheryl, it was unanimous to approve Clif Cheeks and Ed Reid's attendance at the "Evolving Law of Zoning" class in Wilkes-Barre on June 14<sup>th</sup> for a fee of \$50 each, and to also pay the registration fee and mileage for the Zoning Hearing Board members and their solicitor to go if they would like to do that. Robin will send them the information.

On motion of Cheryl, second by Susan, it passed to ratify the lifting of the burning ban effective May 2, 2016. Ron Reagan voted no.

John is filing a formal complaint with Penelec regarding their proposed rate hike.

On motion of Cheryl, second by Christine, it passed to approve the minutes of April 27, 2016 as written. George abstained from the vote as he was not in attendance.

On motion of George, second by Christine, it passed to approve the minutes of May 18, 2016 as written. Cheryl abstained from the vote as she was not in attendance.

On motion of Christine, second by Ron, it was unanimous to accept the monthly reports as presented.

On motion of Susan, second by Ron, it was unanimous to have John send a letter to the Assessment Office regarding our inclusion in the resolution of all assessment appeals in the township.

Correspondence/Information was as presented in the meeting agenda.

Robin advised the Board that our documents are all digitized now, and she would like us to rent a storage container to store all hard copies of these records. Discussion was held. Christine suggested contacting the Enterprise Center as Guthrie rents space there to store some of their records. Robin will contact them and get a price.

Cheryl took the Board into executive session at 9:26 PM for pending litigation and personnel. The secretary was excused at this time & the remaining minutes were taken by Ron Reagan. The regular meeting reconvened at 10:50 PM.

On motion of Cheryl, second by Ron, it passed to have the Public Works Director hand-deliver a letter to Randy Harford. Susan voted no.

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On motion of Cheryl, second by Ron, it passed to adopt the Drug and Alcohol policy as drafted for the Department of Public Works CDL drivers and other federally mandated employees, as the union representatives have approved the language. Christine voted no.

On motion of Christine, second by George, it was unanimous to have Attorney Thompson send a Notice of Violation to Chris Sutton.

On motion of Cheryl, second by Susan, it was unanimous to have Attorney John Thompson sue Mustang Carriers for their damage to the Tozer's Landing sign.

There being no further business, on motion of George, second by Cheryl, it was unanimous to adjourn the meeting at 10:59 PM.

Respectfully submitted,

Robin L. Smith  
Secretary

