

POTTER TOWNSHIP BOARD OF SUPERVISORS
MEETING MINUTES
December 20, 2021
124 Short Road, Spring Mills, Pennsylvania

ATTENDED BY:

BOARD: Dick Decker, Chair
Jacob Tanis, III, Vice-Chair
Karl Eysenbach
Melvin Dutrow
Dennis Foust

STAFF: Lisa Kroner, Township Secretary/Treasurer
David Boliek, Road Superintendent
Chris Dobson, Zoning Officer
Robert Rayman, Solicitor

CALL TO ORDER:

Chair Decker called to order the December 20, 2021, Regular Meeting of the Potter Township Board of Supervisors at 7:00 PM, followed by the Pledge of Allegiance.

PUBLIC COMMENT

No Public Comment

PUBLIC HEARING

At 7:05 pm, Chairman Decker recessed the regular meeting to begin the public hearing regarding **Ordinance O-2021-07**, an ordinance regulating solicitation and peddling in Potter Township.

Solicitor Rayman offered a time for public comment. No comments were offered. Chairman Decker closed the public hearing and re-opened the regular meeting. The Board members had no questions or discussion on the proposed ordinance. Mr. Foust made a motion to adopt Ordinance O-2021-07. Second by Mr. Tanis.

Vote 5-0 as follows:

Dick Decker	Yes	Jacob Tanis, III	Yes
Karl Eysenbach	Yes	Dennis Foust	Yes
Melvin Dutrow	Yes		

***AN ORDINANCE REGULATING SOLICITATION AND PEDDLING IN THE TOWNSHIP OF POTTER,
PROVIDING FOR THE GRANTING OF PERMITS FOR SOLICITATION AND PEDDLING, PRESCRIBING
SAFEGUARDS CONCERNING SAME, REGULATION OF HOURS, AND PROHIBITING CERTAIN
PRACTICES WITHOUT OBTAINING A PERMIT AND PRESCRIBING PENALTIES FOR VIOLATIONS.***

BE IT ORDAINED, by the Board of Township Supervisors of the Township of Potter, Centre County, Pennsylvania, and it is hereby ordained by the authority of the same that:

SECTION 1: Definitions and interpretations.

As used in this article, the following terms shall have the meanings indicated:

PERSON – Only a natural person.

PEDDLER – Any person who engages in “peddling”, as defined in the definition in this section.

PEDDLING – The selling or offering for sale of any goods, wares, services, or merchandise for immediate delivery, which goods, wares, services, or merchandise the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the Township. However, the words “soliciting” and “peddling” do not apply to:

1. Farmers selling their own produce;
2. The sale of goods, wares, and merchandise donated by the owners thereof, the proceeds which are to be applied to any charitable or philanthropic purpose;
3. Any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
4. Boys and girls under the age of 18 years who take orders for and deliver products being sold to raise funds for organizations that they belong to, represent, or participate in activities with such as schools, churches, Boy or Girl Scouts, athletic teams, or similar organizations
5. The seeking or taking of orders by insurance agents or brokers permitted under the insurance laws of the Commonwealth of Pennsylvania.
6. Any person who has complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania known as the “Solicitation of Funds for Charitable Purposes Act of 1990.”

SOLICITING - Subject to the exceptions provided for in the definition of "peddling" in this section, "soliciting" means the seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery or for subscriptions or contributions, upon any of the streets or sidewalks or from house to house or by visitation to private residences or by entering in or upon private property within the Township. It further means the seeking or taking of contracts or orders for home or other building repair, improvement and alteration and also orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for house or other building improvement or repair upon or from the places aforesaid within the Township.

SOLICITOR – Any person engaged in Soliciting.

SECTION 2: Permit Required

No person shall engage in peddling or solicitation in the Township without first having obtained a permit as provided herein.

SECTION 3: Application Information.

1. Every person desiring to engage in peddling or soliciting in the Township shall submit a written application and current/valid photo identification to the Zoning Officer. If such person shall also be required to obtain a permit from any county officer, such person shall, on making such application, exhibit a valid county permit.
2. The application shall contain the following information verified by oath or affirmation:
 1. The nature of the goods, wares, services, or merchandise offered for sale;
 2. The make and type of vehicle, if any, the applicant will use, including its registration number and proof of vehicle insurance.
 3. A statement as to whether or not the applicant has ever been convicted of a felony, misdemeanor, or a crime of any kind, except for traffic violations;
 4. Each person who will be engaging in soliciting or peddling shall complete a separate application and be subject to the same application fee.
 5. No permit under this chapter shall be transferable from one person to another.
 6. The permit shall be good for 30 days from date of issuance. The permit may be renewed for one additional consecutive thirty-day period for an additional fee.
 7. Failure to do so will be a violation of this ordinance. Failure to file an application and obtain a permit shall be a violation of this Ordinance.

SECTION 4: . Permit Fees.

The fee to be paid for a permit shall be as established by resolution of the Board of Supervisors at the annual reorganization meeting.

SECTION 5: Hours for Home Solicitation.

A person shall not go upon any residential premises and ring the doorbell or rap or knock upon the door or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of engaging in or attempting to engage in a home solicitation transaction before 9 AM or after 7 PM of any day, Sunday through Saturday

SECTION 6: Prohibited Practices.

No person permitted as a peddler under this chapter shall:

1. Solicit at any time on New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day or Christmas Day;
2. Hawk or cry his goods, wares, services, or merchandise from any of the streets or sidewalks of the Township, nor shall he use any sound amplification system, loudspeakers or horn or any other device for announcing his presence, by which the public may be annoyed;
3. Park any vehicle on any of the streets, roads, or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, services, or merchandise;
4. Deposit any refuse on any the streets, roads, or alleys of the Township;
5. Maintain or keep a street or curbstone market by parking any vehicle on any street or alley in the Township for longer than necessary in order to sell to persons residing in the immediate vicinity;
6. Occupy any fixed location upon any of the sidewalks of the streets, roads, or alleys or sidewalks of the Township for the purpose of peddling, with or without any stand or counter;
7. Engage in peddling or soliciting on any premises or residence located in the Township if the premises or residences have posted against solicitation by means of a notice prominently displayed, upon which is printed the legend “NO SOLICITORS.”;
8. Engage in peddling or soliciting after being asked to leave the premises or residence by the owner or occupant;
9. Misrepresent the purpose of the solicitation.

SECTION 7: Suspension and Revocation of Permit; Appeal.

The Zoning Officer is hereby authorized to suspend or revoke any permit issued under this Article when he deems such suspension to be beneficial to the public health, safety, or morals, or for violation of any of the provision of this Article, or for giving false information on any application for a permit hereunder. All revocations of permits are effective immediately. Appeals from any suspension or revocation may be made to the Board of Supervisors at any time within 10 days after such suspension or revocation. No part of a permit fee shall be refunded to any person whose license shall have been suspended or revoked.

SECTION 8: Penalties.

- A. Whoever violates any of the provision of this chapter shall be considered a summary offense and shall be fined not less than \$100 and not more than \$1,000, plus costs of prosecution for such offense an, in default of payment of said fine and costs, shall be imprisoned for not more than 30 days.
- B. Prior to receiving a permit, all peddlers shall sign an acknowledgement stating that they are familiar with the prohibited practices listed in Section 6.

CONSENT AGENDA

Mr. Foust made a motion to approve the minutes of the December 6, 2021 Regular Meeting, payment vouchers and November 2021 Financial Report. Motion seconded by Mr. Tanis. **All motions for Consent Agenda items were carried unanimously.**

COMMITTEE REPORTS

- A. Planning Commission
– No new report.
- B. Parks and Recreation Board
– John Smith, Chair, assessed the property at 286 Sinking Creek Road (dump woods) for feasibility of a walking trail around the perimeter and anticipated very little cost and soil disruption. The Board of Supervisors agreed that the back part of property where old dump was located should be avoided.
Vote in favor was unanimous. 5-0.
– Mr. Tanis offered a motion to mark a few trees at Potter Run Park that need to be removed. Mr. Foust seconded the motion. **Vote in favor was unanimous. 5-0.**
- C. Penns Valley EMS
– Budget was adopted with a small increase.

SOLICITOR REPORT

The Zoning Officer continues working with Mr. Rayman on violations of Potter Township Ordinances.

STAFF REPORTS

Public Works Superintendent –

- Report on search for new dump truck.
- Costs were presented for LED street lighting for SR 322/SR144. Mr. Dutrow offered a motion to approve replacement of lights with LED lighting. Motion seconded by Mr. Foust. **Vote in favor was unanimous. 5-0.** Cost of maintenance and repair is split 50/50 with PennDOT Centre County Maintenance.

Secretary / Treasurer –

- A request was received from Centre County Election Office for use of Potter Township conference room for May 17 and November 8, 2022 elections. Mr. Tanis made a motion to approve use of the room for both elections. Second by Mr. Dutrow. **Vote in favor was unanimous. 5-0.**

Zoning Officer –

- No new report.

OLD BUSINESS

Resolution #R-2021-15 adopting the 2022 Budget was presented for approval. Mr. Foust made a motion to adopt Resolution #R-2021-15, adopting the 2022 Budget as advertised. Second by Mr. Eysenbach. **Vote in favor was unanimous. 5-0.**

RESOLUTION # R-2021-15

A RESOLUTION OF THE TOWNSHIP OF POTTER, CENTRE COUNTY, ADOPTING THE 2022 BUDGET

WHEREAS, Potter Township is a Township of the Second Class, and;

WHEREAS, the Township is required by the Second Class Township Code to adopt a budget before the end of the year, and;

WHEREAS, a proposed budget was adopted on November 15, 2021; the proposed budget was advertised; and a public hearing was held on December 20, 2021;

NOW, THEREFORE, BE IT RESOLVED that Potter Township Board of Supervisors hereby adopts a Budget for the year 2022- providing for \$2,639,998.00 in total revenues and \$1,709,385.00 in total expenditures. Additional budget detail is provided in the 2022 Budget document made a part hereof by reference.

The 2021 Fee Schedule was reviewed for discussion on any changes to be made for 2022. The 2022 Fee Schedule will be finalized and adopted at the Organization Meeting on January 3, 2022.

NEW BUSINESS

A draft of the 2022 Maintenance & Operations Plan for the Potter Athletic Complex was distributed and reviewed. No decisions were made. Item tabled until January 2022.

No status report was available on ABC vacancies for 2022.

Chair Decker announced that an Executive Session was held on December 15, 2021 regarding personnel issues.

Chair Decker presented a Leadership award to Supervisor Karl Eysenbach in appreciation for his service, dedication and loyalty for his many years of service as a Township Supervisor.

The 2022 meeting dates for Board of Supervisors, Elected Auditors, Planning Commission, and the Parks and Recreation Board were reviewed. The dates were approved. Mr. Foust offered a motion to approve the meeting dates and advertise said dates following the Second Class Township Code advertising requirements. Second by Mr. Tanis. **Vote in favor was unanimous. 5-0.**

MEETING DATES FOR 2022

Board of Supervisors – Jan. 3rd (re-organization) & Jan. 17; Feb. 7 & 21; March 7 & 21; April 4 & 18; May 2 & 16; June 6 & 20; July 5 & 18; Aug. 1 & 15; Sept. 6 & 19; Oct. 3 & 17; Nov. 7 & 21; Dec. 5 & 19

Planning Commission - Jan. 11 & 25; Feb. 8 & 22; Mar. 8 & 22; Apr. 12 & 26; May 10 & 24; Jun. 14 & 28; July 12 & 26; Aug. 9 & 23; Sept. 13 & 27; Oct. 11 & 25; Nov. 9 & 22; Dec. 13 & 27.

Parks & Recreation Board – Jan. 12; Feb. 9; Mar. 9; Apr. 13; May 11; Jun. 8; Jul. 13; Aug. 10; Sept. 14; Oct. 12; Nov. 9; Dec. 14.

Elected Auditors – Jan. 4

BOARD / STAFF OTHER MATTERS (Informational – Review and/or Action, as Needed)

– No items for review.

ADJOURNMENT:

Mr. Tanis made a motion to adjourn the regular meeting at 8:20 p.m. Motion seconded by Mr. Foust. **Vote in favor was unanimous.**

Respectfully submitted,

Lisa A. Kroner

Lisa A. Kroner, Township Secretary
Potter Township Board of Supervisors