

POTTER TOWNSHIP BOARD OF SUPERVISORS
MEETING MINUTES
March 20, 2023
124 Short Road, Spring Mills, Pennsylvania

ATTENDED BY:

BOARD: Dick Decker, Chair
Melvin Dutrow
Dennis Foust
Glenn Roth

STAFF: Lisa Kroner, Secretary/Treasurer
David Boliek, Public Works Superintendent
Robert Rayman, Solicitor
Jerry Stover, Zoning Officer

ATTENDEES: Ryan Newman, Chuck McCole, Mike Troyan, Michele Foust, Kim Domin, John Bee

CALL TO ORDER:

Chair Decker called to order the March 20, 2023, Business Meeting of the Potter Township Board of Supervisors at 7:00 PM, followed by the Pledge of Allegiance.

PUBLIC COMMENT

No public comment.

CONSENT AGENDA

Mr. Foust made a motion to approve the minutes of the March 6, 2023 business meeting, payment vouchers and February 2023 Financial Report. Mr. Roth seconded the motion. **All motions for Consent Agenda items were carried unanimously.**

COMMITTEE REPORT

- A. Planning Commission
 - Meeting minutes from January 24, 2023 & February 14, 2023 were distributed.
- B. Parks & Recreation
 - Meeting minutes from January 9, 2023 & February 13, 2023 were distributed.

SOLICITOR REPORT

PUBLIC HEARING:

At 7:10 pm Chair Decker recessed the regular meeting to begin the public hearing regarding Ordinance **Ordinance O-2023-01** *Prohibition of the Use of Engine Brake Retarders within Potter Township on S.R. 45 Segment 410/2200 TO Segment 420/1850*. Solicitor Rayman offered a time for public comment. No comments or questions were brought forward. Chair Decker closed the public hearing and re-opened the regular meeting. The Board members had no questions or discussion on the amendment. Mr. Dutrow made a motion to adopt Ordinance O-2023-01, *Prohibition of the Use of Engine Brake Retarders within Potter Township on S.R. 45 Segment 410/2200 TO Segment 420/1850*.

Second by Mr. Foust. **Vote 4-0 as follows:**

Vote:	Dick Decker	Yes	Melvin Dutrow	Yes
	Dennis Foust	Yes	Glenn Roth	Yes

**AN ORDINANCE PROHIBITING THE USE OF ENGINE BRAKE RETARDERS
WITHIN POTTER TOWNSHIP ON S.R. 45
SEGMENT 410/2200 TO SEGMENT 420/1850.**

Background

WHEREAS, Township has the authority to adopt ordinances necessary for the safety and general welfare of its citizens; and

WHEREAS, the Board of Supervisors has received complaints from Township citizens concerning excessive and bothersome noise from vehicles travelling the roads and streets within the Township that use engine brake retarders; and

WHEREAS, the Board of Supervisors has determined it to be in the best interest of the Township and its citizens to regulate within the Township the use of engine brake retarders; and

WHEREAS, the Board of Supervisors has determined it to be in the best interest of the Township and its citizens to prohibit the use of engine brake retarders on S.R. 45 Segment 410/2200 to Segment 420/1850.

NOW, THEREFORE, be it enacted and ordained as follows:

SECTION 1: The Background recited above is incorporated by reference herein.

SECTION 2: This Ordinance shall be known as the Potter Township Engine Brake Retarder Ordinance.

SECTION 3: The Board of Supervisors finds that the operation of an engine brake retarder on a gasoline-powered or diesel-powered motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake retarder, adversely affects the public health, safety and welfare of the residents of Potter Township, and is a nuisance in fact.

SECTION 4: The use of an engine brake retarder by a gasoline powered or diesel powered motor vehicle travelling on S.R. 45 Segment 410/2200 to Segment 420/1850.

SECTION 5: This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake retarder to protect the property and safety of other motor vehicle operators, pedestrians, and the operator and passengers of motor vehicles involved in said emergency situation.

SECTION 6: Signs shall be posted at Township limits where S.R. 45 enters Township, advising motor vehicle operators, consistent with this Ordinance of the prohibition of the use of engine brake retarders and at the end of the prohibition Segment indicating end of brake retarder prohibition.

SECTION 7: Any person, firm, corporation or organization violating any of the provisions of the Ordinance shall upon summary conviction before a Magisterial District Judge having jurisdiction, be sentenced to pay a fine of not more than Three Hundred and 00/100 (\$300.00) Dollars and costs of prosecution, and in default of the payment thereof, shall be sentenced to imprisonment for a period not to exceed ten (10) days.

SECTION 8: Enforcement of this Ordinance shall be by the Township Code Officer or any other law enforcement officer who has jurisdiction within the Township.

SECTION 9: The provisions of this Ordinance are severable. If any sentence, clause, or section of the Ordinance for any reason is found to be unconstitutional, illegal or invalid, or otherwise unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10: All ordinances, or portions thereof, inconsistent with this Ordinance are repealed.

SECTION 11: This Ordinance shall become effective upon the posting of the signs prescribed in Section 6.

STAFF REPORTS

Public Works Superintendent –

- An application for the 2023 Centre County Dirt & Gravel Project Grant has been submitted. The application is for Shunk Road and Strawberry Hill Road.
- The snow fencing installed at the beginning of winter will be removed this week.
- The Water Line Loop project in the Country Club Park Development will commence the week of March 27th. The residents have been notified. DEP requirements will be strictly followed and the residents will be kept apprised of the progress.

Secretary / Treasurer –

- Final request for all outstanding meeting agendas and minutes from Authorities, Boards and Commissions. Deadline to submit to the secretary is April 1, 2023
- JSSB has provided a list of the new rate options for the Advantage Checking accounts. Interest rates from (3) three different banks will be obtained and reviewed at the next meeting.

Zoning –

- No report

OLD BUSINESS

The search for a Potter Athletic Complex Manager has been extended until the April 3rd, 2023 Board of Supervisors meeting.

Letters of interest have been sent to existing energy users in the PCI Planned Commercial Industrial) District for input on their current and future needs of electricity. Input on the interest in utilizing natural gas for heating and processing purposes will be received until April 1st, 2023. Mr. Decker and Mr. Foust have had discussion with Seda-Cog and Columbia Gas about the possibility of providing service to the properties in the PCI District. They will gather estimates for different option.

NEW BUSINESS

An MOU (Memorandum of Understanding) for TCBM Investments, LLC was presented for review and action. Mr. Roth made a motion that the board approve entering into a Memorandum of Understanding with the developer All Storage Solutions, LLC land development project for engineering fees incurred from the township engineers concerning this project. Second by Mr. Dutrow. **Vote in favor was unanimous. 4-0.**

Sidewalk project with Centre Hall Borough from Borough line to Dollar General store. CHB will replace the sidewalks to the municipal line. They have asked Potter Township to join forces to continue the sidewalk from the line to the Dollar General. Mr. Boliek will provide cost estimates.

Sidewalk Project on S.R. 144 – Potter Township & Centre Hall Borough Joint Project. Discussion followed on obtaining an engineering study to construct a sidewalk along SR 144 from the Dollar General to the intersection at Old Fort. Mr. Roth put forth a motion to request an engineering study. Motion seconded by Mr. Foust. **Vote in favor was unanimous. 4-0.**

A request to appoint two new members to the Parks & Recreation Board was submitted. Mr. Foust made a motion to appoint Thompson Hunt to the Parks & Recreation Board for a five-year term (2023-2027) and Kate Hunt for a two-year term (2023-2024) which was seconded by Mr. Dutrow. **Vote in favor was unanimous 4-0.**

PSATS has provided the 2023 Proposed Bylaws Changes, Nominations Report, and Resolutions for consideration at the annual conference. Discussion on items tabled until the April 3rd meeting at which time Mr. Foust, voting delegate at the convention, will request input on issues.

BOARD/STAFF OTHER MATTERS

The Penns Valley EMS has provided a financial report for February 2023.
Centre Hall Fire Company meeting minutes for February 14, 2023 were distributed.
The Office of Open Records 2022 Annual Report was provided to the Board for review.

EXECUTIVE SESSION

Mr. Decker made a motion to recess the meeting at 8:00 p.m. to begin an Executive Session regarding personnel matters. Mr. Foust seconded the motion. Mr. Foust made the motion to close the Executive Session and reopen the regular meeting. Second by Mr. Dutrow.

On a motion by Mr. Foust, seconded by Mr. Roth and carried unanimously, the Board approved to advertise for a Road Maintenance Crew employee.

ADJOURNMENT:

Mr. Foust made a motion to adjourn the regular meeting at 8:30 pm. Motion seconded by Mr. Dutrow. **Vote in favor was unanimous.**

Respectfully submitted,

Lisa A. Kroner

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