

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

ATTENDED BY:

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

STAFF: David Boliek, Public Works Superintendent
Lisa Kroner, Secretary/Treasurer
Sue Mazza, Data Entry Clerk

ATTENDEES: Ryan Newman, Larry Parada, Tibben Zerby, Kim Domin, Dave & Trish Miller, Scott Floray, Robert Rachau, Tom & Beth Newman, Jim & Debbie Peterson

CALL TO ORDER:

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

PUBLIC COMMENT

A resident reported excessive water coming down from the Nittany Baptist Church onto Mountain Back Road. Mr. Boliek had previously reached out to the Township Engineer about this issue for his review and input. He will follow-up with the engineer.

SPECIAL PRESENTATIONS

DONALD W. & DOROTHY R. RUDY – Final Subdivision Plan of Tax Parcel 20-006-093E

Tibben Zerby, Century Engineering Project Manager, presented subdivision plans for this property located on Lower Georges Valley Road. This proposal will subdivide one lot into two lots. Lot one will remain for the existing residence. A Non-Building Waiver Declaration is being requested for lot two. No comments were provided by the Planning Commission. Mr. Tanis made a motion to approve signing the Non-Building Waiver for this project. Motion seconded by Mr. Foust. **Vote in favor was unanimous. 4-0.**

The Board discussed the proposal in terms of proposed parkland dedication, fees in-lieu-of, or a combination thereof, per the Parkland Dedication Ordinance for the Donald W. & Dorothy R. Rudy subdivision. Mr. Foust made a motion to accept Fee In-Lieu-Of Parkland Dedication for the one (1) new lot being created. Motion seconded by Mr. Tanis. A vote was taken to accept one (1) fee In-Lieu-of Parkland Dedication for this subdivision. **Vote in favor was unanimous 4-0.**

Vote:

Dick Decker	Yes	Melvin Dutrow	Yes
Dennis Foust	Yes	Jacob Tanis III	Yes

KENNETH STROUSE SUBDIVISION — Sewage Facilities Planning Module

Tibben Zerby, from Century Engineering, presented a Sewage Facilities Planning Module on behalf of the Kenneth Strouse Subdivision. The soil testing has been completed and the module has been signed by SEO Stan Wallace. Resolution 2023-14 has been submitted for consideration and approval. On a motion by Mr. Foust, seconded by Mr. Tanis, the Board approved Resolution 2023-14 as a revision to the Official Sewage Facilities Plan. **Vote in favor was unanimous. 4-0.** Consecutively, Mr. Foust made a motion to authorize the Township Secretary, Ms. Kroner, to sign the documents on behalf of the Board of Supervisors. Motion was seconded by Mr. Tanis. **Vote in favor was unanimous. 4-0.**

The Board discussed the proposal in terms of proposed parkland dedication, fees in-lieu-of, or a combination thereof, per the Parkland Dedication Ordinance for the Kenneth Strouse subdivision. Mr. Foust made a motion to accept Fee In-Lieu-Of Parkland Dedication for the three (3) new lots being created. Motion seconded by Mr. Dutrow. A vote was taken to accept three (3) fees In-Lieu-of Parkland Dedication for this subdivision. **Vote in favor was unanimous 4-0.**

Vote:

Dick Decker	Yes	Melvin Dutrow	Yes
Dennis Foust	Yes	Jacob Tanis III	Yes

Centre County Mapping and Addressing submitted a road name request for the Kenneth Strouse Subdivision. The requested name is Black Angus Drive, which meets criteria for naming and 911 addressing has tentatively approved pending Potter Township final approval. After review of the request, Mr. Tanis made a motion to approve the name Back Angus Drive. Mr. Foust seconded the motion. **Vote in favor was unanimous. 4-0.**

An MOU (Memorandum of Understanding) for Kenneth Strouse Subdivision was presented for review and action. Mr. Foust made a motion that the board approve entering into a Memorandum of Understanding for the Kenneth Strouse Subdivision. The owner agrees to reimburse the Township for engineering services necessitated by the review, inspections and review of all required bonds and security. Second by Mr. Tanis. **Vote in favor was unanimous. 4-0.**

Bob Barry, President of the Penns Valley EMS Board of Directors, offered the final revision of the Joint Municipal Agreement addressing the financial assistance from the municipalities in Penns Valley. Mr. Dutrow motioned to sign the Intermunicipal Agreement, seconded by Mr. Foust. **Vote in favor was unanimous. 4-0.**

PUBLIC HEARING

At 7:12 pm Chair Decker recessed the regular meeting to begin the public hearing regarding **Ordinance O-2023-02** *Penalties for False Fire Alarms Caused by Faulty Equipment, Negligence, or Deliberate Action within Potter Township*. Solicitor Burke 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. Tanis made a motion to adopt Ordinance O-2023-02, *Penalties for False Fire Alarms Caused by Faulty Equipment, Negligence, or Deliberate Action within Potter Township*. Motion seconded by Mr. Foust.

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

Vote:	Dick Decker	Yes	Melvin Dutrow	Yes
	Dennis Foust	Yes	Jacob Tanis	Yes

**AN ORDINANCE PROVIDING FOR PENALTIES FOR FALSE FIRE ALARMS CAUSED BY FAULTY EQUIPMENT,
NEGLIGENCE, OR DELIBERATE ACTION WITHIN POTTER TOWNSHIP**

Background

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

WHEREAS, false fire alarms within the Township have necessitated a response from public safety personnel on numerous occasions, causing unnecessary expenditures of resources, effort, and time on the part of first responders, and potentially impacting the availability of emergency service personnel for response to true emergencies; and

WHEREAS, the Board of Supervisors has determined it to be in the best interests of the Township and its citizens to encourage appropriate alarm use, installation, and maintenance practices to prevent or minimize false alarms requiring a response from public safety personnel; and

WHEREAS, the Board of Supervisors has determined it to be in the best interests of the Township and its citizens to provide for penalties to principal owners, operators, tenants, agents, or other individuals responsible for false alarms resulting in a response by public safety personnel.

NOW THEREFORE, be it enacted and ordained as follows:

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

SECTION 2: This Ordinance shall be known as the Potter Township False Alarm Ordinance.

SECTION 3: As used in the article, the following terms shall have the meanings as indicated:

ALARM

A communication to fire, police, or emergency services departments responsible for responding to alarms within the Township, indicating that a fire, crime, or other emergency warranting immediate action by fire, police, or emergency services units has occurred, or is occurring.

ALARM SYSTEM USER

The person who occupies or has the right of possession for the premises on which the alarm device is operated.

ALARM SYSTEM

Any device which communicates or transmits an alarm by telephone, radio, or other means directly to the Centre County Emergency Communications Center or any fire, police or emergency services department, or that activates a bell or other sounding device which is intended to alert the Department or others to the existence of a crime, fire, or other emergency situation warranting action.

FALSE ALARM

An alarm or activation of an alarm system to which fire, police, or emergency services departments respond when a fire, crime, or other emergency has not occurred. This definition shall not include alarms caused by interruption of utility services caused outside the premises; the testing or repairing of telephone or electric lines or equipment outside the premises; acts of God such as weather conditions, electrical storms, lightening, or other power fluctuations or surges beyond the control of an alarm system user; a crime in progress on the premises; a fire on the premises; or an actual emergency requiring fire, police, or other emergency services personnel.

PERSON

An individual, firm, partnership, association, corporation, company, business, asylum, group home, or charity of any kind.

SECTION 4: It shall be unlawful for any person to make, permit, or cause to be made, directly or indirectly, a false alarm to any fire, police, or emergency services department responsible for responding to alarms within the Township.

SECTION 5: The Centre Hall Fire Company shall be responsible for determining whether an alarm qualifies as a false alarm under the definition of "False Alarm" in §3 above, and such decision shall be final.

SECTION 6:

- A.** Any person knowingly causing a false alarm for any reason shall pay to the Centre Hall Fire Company a false alarm fee, of \$100.00 Dollars.
- B.** Any alarm system user from whose system a false alarm originates shall pay to the Centre Hall Fire Company a false alarm fee, which shall be assessed by the Centre Hall Fire Company as follows:
 - 1. No fine shall be levied for the first three false alarms occurring within a given calendar year.
 - 2. For the fourth false alarm in any calendar year, the alarm system user shall be subject to a false alarm fee not to exceed \$150.00 Dollars.
 - 3. For the fifth and subsequent false alarms in any calendar year, the alarm system user shall be subject to a false alarm fee not to exceed Three Hundred Dollars (\$300.00).
- C.** The Centre Hall Fire Company shall notify the Township and the alarm system owner of each false alarm, and shall invoice any person who knowingly caused a false alarm and the alarm system user for each false alarm made which is subject to a false alarm fee. Such notice or invoice shall be in writing, and mailed to the alarm system owner at the last known address by regular mail, postage prepaid.
- D.** The false alarm fee shall be due and payable to Centre Hall Fire Company within sixty (60) days from the date of mailing of the notice, and failure to pay a false alarm fee shall subject the alarm system owner to the penalty provision of this article.

SECTION 7:

- A.** Any person, whether as a principal or agent, who violates, or who assists or abets a violation of this Article, shall upon conviction thereof before any Magistrate, be sentenced to pay a fine of not less than \$100.00 Dollars, nor more than \$300.00 Dollars, together with the costs of prosecution and any fines assessed under §6 hereof, and in default of the said fine and costs, shall be imprisoned for a period not exceeding thirty (30) days. Each violation shall constitute a separate offense, for which a summary conviction may be sought.
- B.** In addition to such other remedies as may be available under existing law, nothing herein contained shall prevent the Township from instituting an action in equity to prevent, restrain, correct, abate, or enjoin a violation of this article.

SECTION 8: If any sentence, clause, section, or part of this article shall be declared unconstitutional, illegal, or invalid, such decision shall not affect or impair any of the remaining provisions. It is hereby declared as the legislative intent of the Township that this article would have been amended as if such unconstitutional, illegal, or invalid provision or provisions had not been included herein.

SECTION 9: All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance hereby adopted are hereby repealed, provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Potter which is not in conflict with the provisions hereof shall be deemed to remain in full force and effect.

CONSENT AGENDA

Mr. Tanis made a motion to approve the minutes of the November 8, 2023, business meeting and Financial Reports for September and October 2023. Mr. Foust seconded the motion. **All motions for Consent Agenda items were carried unanimously.**

COMMITTEE REPORT

- A. Planning Commission
 - Meeting on November 14, 2023 was cancelled due to lack of quorum.
- B. Parks and Recreation
 - Tri-Municipal Park Board accepted a bid from LandServ for the construction project at Penns Prairie Park. The new construction may commence over the winter months.
 - The display board at Potter Run Park has been installed. One side of the message board is blank. The Board will hold a contest to paint a mural on the back of the display board.
 - A final sign design for the Woodlands at Sinking Creek has been presented.
 - There is ongoing discussion on constructing a pickleball and volleyball court at Penns Prairie Park. Research is being conducted on grants and contributions for this endeavor.

SOLICITOR REPORT

Mr. Burke is working with the Zoning Officer to prepare for the Rezoning Request hearing in December. Mr. Boliek and Mr. Burke are working on an encroachment issue, and an Intermunicipal Agreement with Taylor Township in reference to a Multi-Municipal Grant for Lake Road Bridge.

STAFF REPORTS

Public Works Superintendent –

- Bid Award for 2024 Diesel Contract. No bids were received. Diesel Fuel will continue to be purchased through the current vendor.
- Potter Athletic Complex water lines have been winterized and the building was closed until Spring.
- Centre County Conservation District has indicated that the Dirt and Gravel Project on Shunk Road may be split into two projects. A grant for Phase I of the project would be applied for now, with a second grant application being submitted later next year for Phase II.
- Quotes for different makes and models of loaders were previously provided to the Board. Mr. Foust suggested that the Board forgo the discussion on the loader until after discussing the budget. Mr. Tanis remarked that the quotes that were provided by Mr. Boliek from the vendors were not accurate and that he had done his own inquiry with the vendors. Mr. Tanis would like to just purchase parts to keep the 30 year old loader operable.

Attendees at the meeting voiced their concern about spending money on a new loader. There was opposition for the purchase of equipment.

Clarification of the purpose of a sign-in sheet, as well as purpose of Public Comments for non-agenda items was given. At each Authority, Board and Commission meeting there is a time set aside on the agenda for *Public Comment*. At this time members of the public are invited to comment on any items **not** on the agenda (five minutes per person time limit has been established). Comments relating to specific items on the agenda should be deferred until that point in the meeting. This statement is included with each meeting agenda.

Secretary / Treasurer –

- David Boliek received the 2023 Clean Streams Award for Excellence in Erosion Control sponsored by the Centre County Conservation District. He was recognized for his achievements and received the award at the Farm City Dinner on November 1, 2023.

OLD BUSINESS

The 2024 proposed budget was discussed by the Board. Mr. Tanis required clarification on several budget items for which the Treasurer provided explanations. Mr. Foust offered a motion to omit the \$100,000.00 allocation in the Liquid Fuels Fund Budget until a later time. Discussion followed the motion, after which time Mr. Foust withdrew his motion. The previously requested changes to the proposed 2024 budget were made and a revised 2024 proposed budget was presented to the Board. After discussion, a proposed budget was generated with no tax increase for real property.

Mr. Foust made a motion to advertise the proposed 2024 budget for public inspection. Second by Mr. Dutrow. **Vote in favor was 3-1. Mr. Tanis opposed the proposed 2024 budget and advertisement of same.**

An explanation of the Second Class Township Code advertising requirements was provided. Township Code, Section 109, states that when advertisements are required to be published they must be placed in the legal notice section in a local newspaper of general circulation in the township.

Mr. Foust requested to go on record to address the slanderous Facebook posts about Supervisors Decker, Dutrow and himself. Mr. Foust expressed his outrage about the false statements and defamation of character shared on Facebook regarding a few of the elected officials.

NEW BUSINESS

Request for Per Capita Exonerations for 2023 and removals for 2024 (those misclassified (i.e., moved, deceased, double assessed) was presented for approval. Mr. Tanis made the motion to approve the list for Per Capita Exonerations for 2023 and removals for 2024 as presented by Tax Collector Wendy Nolf. Mr. Foust seconded the motion. **Vote in favor was unanimous. 4-0.**

Resolution R—2023-13 Establishing Tax Rate for Year 2024 was presented for adoption. Total tax will be 3 mil (1 mil General purpose and 2 mil Fire Protection) with no tax increase on real property. Mr. Foust made a motion to approve **Resolution R-2023-13**. Motion seconded by Mr. Tanis. **Vote in favor was unanimous. 4-0.**

RESOLUTION # R-2023-13

**A RESOLUTION OF THE TOWNSHIP OF POTTER, CENTRE COUNTY,
ESTABLISHING THE TAX RATE FOR THE YEAR 2024**

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Supervisors of the Township of Potter, County of Centre, Commonwealth of Pennsylvania, that a tax be and the same is hereby levied on all real property within the Township of Potter subject to taxation for the fiscal year 2024, as follows:

Tax rate for GENERAL purposes, the sum of 1 mill
on each dollar of assessed valuation, or the sum of \$0.100
on each one-hundred dollars of assessed valuation.

Tax rate for FIRE PROTECTION purposes, the sum of 2 mill
on each dollar of assessed valuation, or the sum of \$0.200
on each one-hundred dollars of assessed valuation.

That any resolution, or part of resolution, conflicting with this resolution be and the same is hereby repealed insofar as the same affects this resolution.

The same being summarized in tabular form, as follows:

	Mills on Each Dollar of Assessed Valuation	Dollars and Cents on Each One-Hundred Dollars of Assessed Valuation
Tax Rate for General Purposes	1 Mill	\$0.100
Tax Rate for Fire Protection	<u>2 Mill</u>	<u>\$0.200</u>
TOTAL	3 Mill	\$0.300

Century Engineering has submitted Agreements/Proposals for the preparation of 2023 Chapter 94 Reports for Bloom Road Sewer, Country Club Park Sewer and Potters Mills Sewer. The cost to prepare and complete the PA DEP required reports is estimated not to exceed \$550.00 for each report. Mr. Dutrow offered a motion to accept the Agreements/Proposals for the preparation of 2023 Chapter 94 Reports for Bloom Road Sewer, Country Club Park Sewer and Potters Mills Sewer. Motion seconded by Mr. Foust. **Vote in favor was unanimous. 4-0.**

EXECUTIVE SESSION

Mr. Decker made a motion to recess the meeting at 8:45 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. Tanis. **Vote in favor was unanimous. 4-0**

BOARD / STAFF OTHER MATTERS (Informational – Review and/or Action, as Needed) – None

ADJOURNMENT:

Mr. Foust made a motion to adjourn the regular meeting at 9:05 pm. Motion seconded by Mr. Tanis. **Vote in favor was unanimous.**

Respectfully submitted,

Lisa A. Kroner

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