

**HAINES TOWNSHIP
BOARD OF SUPERVISORS
JUNE 15, 2021**

On June 15, 2021 at approximately 6:33 p.m., Chairman Daryl Schafer called the regular monthly meeting of the Haines Township Board of Supervisors to order. The meeting was held in the Haines Township Building located at 153 S. Rachel's Way in Aaronsburg, PA. The call to order was followed by the pledge of allegiance, a moment of silence and Board Introductions. In attendance: Officials - Chairman Daryl Schafer, Supervisor Fred Lingle, Secretary-Treasurer Susan Wenrick, Township Solicitor Timothy Schoonover, SEO & Z.O. Pamela Winter, Roadmaster Mark Hosterman, HWMA Secretary Tracy Ridenour, PVEMS representative Bari Deaven, HAMA Secretary-Treasurer Patricia Valentine, Residents: Tom Kobb, Harry Ward, Charles Valentine, Robert Alpago, Nancy Alpago, Kevin Sims, Bob Vernon, Kurt Grotz, Evelyn Noel, Harry Hammond and Margaret Murray. Due to the COVID-19 pandemic, the Governor of PA has mandated that the public maintain social distancing measures and wear masks or other facial coverings in public spaces. (Vice-Chairman Delmer Homan was not present due to a prior commitment.)

PUBLIC COMMENTS: Resident Kevin Sims asked if the Board could respond to the questions he had in regard to the proposed Dollar General store in Aaronsburg. Mr. Sims had submitted written questions to the Board via email on June 8th. In Mr. Sims' email, he asked for clarification on two questions, the first being the recusal of Daryl Schafer from discussion, deliberation or voting concerning the proposed Dollar General plan and the second being specific language in the zoning ordinance. In the zoning ordinance it outlines the intent of Village Mixed Use with a focus on rehabilitation, maintenance and use of original village structures; the accommodation of ancillary, small shops and businesses compatible with the historic and residential character of the community. A section of the Comprehensive Plan speaks to accommodating limited businesses that present little impacts to the surrounding properties and making adaptive use of the neighborhood's residential structures.

Mr. Sims conveyed his concerns to the Board by reiterating the questions he had concerning the recusal of Mr. Schafer from discussions on the Dollar General proposal and in his opinion the discussion would be awkward if Mr. Schafer is present or part of the discussion. Mr. Schafer said he would abstain from voting on any action taken by the Board concerning the Dollar General proposal.

Township Solicitor Timothy Schoonover explained that as an elected official, Mr. Schafer has an obligation to attend official meetings and he may engage in discussion but should excuse himself and abstain from any action where he has a conflict of interest. Mr. Schafer would need to be present to declare his abstention. The PA Public Official and Employee Ethics Act prohibits public officials from engaging in conduct that constitutes a conflict of interest or in any action that creates a pecuniary benefit to themselves. The word "recusal" is not a term used in the ethics act.

Mr. Schoonover addressed the second question by explaining in greater detail the zoning ordinance elements that are under the Township's purview versus the land development components that are under the County's Subdivision and Land Development Ordinance. The Township's zoning ordinance has been in place since 2017. In order to ensure orderly development in the Township, the zoning ordinance designates places for all uses within the Township. The proposed land development is within the Village Mixed Use zoning district where retail businesses are considered permitted primary uses. The Township's zoning officer will determine whether or not the proposal for Dollar General meets all of the requirements of the zoning ordinance as it pertains to permitted uses within the V-1 district, lot requirements, setbacks, use regulations and general regulations. In addition to permitted uses, the ordinance also regulates conditional uses. The zoning officer remains objective in the permitting process and follows what is laid out in the ordinance.

Mr. Sims asked, what is the purpose of the "intent section" of the zoning? To which Mr. Schoonover replied that the comprehensive plans outlines the overall goals or thoughts for development in the Township but zoning is detailed and administers the uses. The purpose part of zoning or goals are set for each district. The permitted uses are objective. Conditional uses are somewhat subjective because the Board of Supervisors can add additional requirements. Conditional uses are subject to conditional use hearings. The Township cannot zone out a use. Every use must be provided for under the law. Mr. Sims asked about a legal process to oppose the zoning officer's decision and Mr. Schoonover responded that there is a legal process in place to challenge the zoning officer's decisions.

PUBLIC COMMENTS: (Continued.)

Kurt Grotz expressed his concerns that the Board of Supervisors gave authority to the zoning officer to make final decisions on zoning and wanted to know what recourse people had. Mr. Schoonover explained that the zoning ordinance requirements follow the Pennsylvania Municipalities Planning Code. The MPC and zoning ordinance itself cover the administration and enforcement of the zoning ordinance. The Board of Supervisors approved the zoning ordinance for the Township and the Board appointed the zoning officer to administer the ordinance. Challenges may go to the Zoning Hearing Board or may go to the Court of Common Pleas.

Robert Alpage was concerned the public had no role in the decision with a zoning application for Dollar General. Mr. Schoonover stated that the public role happened four years ago when the zoning was passed.

Kurt Grotz asked if the Board could put comments in the records or make statements to sway the zoning officer and Mr. Schoonover said he would not advise the Board to do that because the zoning officer is independent of the Board and her decision has to remain objective.

Mr. Schafer stated that he is selling his property to a land acquisition company and not Dollar General. It is the land acquisition company that is pursuing a deal with Dollar General.

Harry Hammond commented that he understands Mr. Schafer followed the law and is trying to provide for his own retirement.

Margaret Murray inferred that the zoning process was done without public knowledge. Mr. Schoonover replied that the zoning process was worked on for many years and all of the regular meetings and public hearings were advertised as is required by law. Nothing was done in "secret." Mr. Schoonover commented that citizens have a proactive duty to be informed.

Mr. Alpage had expressed three concerns at the last meeting which included: storm water/drainage issues at proposed store site and on Tattletown Road, water usage by the proposed store and traffic concerns on S. R. 45 and also at the intersection w/Tattletown Road. Mr. Alpage wants to be assured that his concerns will be taken seriously and would be addressed. It was suggested that Mr. Alpage go directly to the agencies involved.

Evelyn Noel thanked Mr. Schoonover for answering the residents' questions.

Ms. Murray asked questions in reference to Beth Cowher's not being able to get permits for her proposed store. Pamela Winter responded that Cowher's have their zoning permit but have not received their building permits. The building agency is still waiting to see the final plans for Cowher's.

Mr. Grotz commented that he did not begrudge Mr. Schafer selling his property but he just doesn't think the Dollar General is a good fit for the community.

Mr. Alpage also said he did not begrudge the sale of the property but wanted to know what benefits the Dollar General would bring to the community other than the store itself. There was a brief discussion about the Dollar General Foundation and grants for non-profits.

Mr. Grotz had some questions about logging and road bonding on Water Gap Road. It is the responsibility of the contracted logger or forester to get permission from property owners on private roads like Water Gap. The Township would require bonding on any municipal roads that are used to get to or from State Route 45 to Water Gap Road.

MINUTES APPROVAL: Fred Lingle motioned to approve the meeting minutes as presented for 05/20/21. Daryl Schafer seconded the motion and the motion was carried. Vote: F. Lingle – Yes D. Schafer – Yes

TREASURER'S REPORT: Daryl Schafer motioned to approve the Treasurer's Report for 06/15/21 as presented and file for audit. Fred Lingle seconded the motion and the motion was carried. Vote: D. Schafer – Yes F. Lingle – Yes
The Board acknowledged receipt of the Pledged Securities Report from MBTC dated 05/31/21. The Township Secretary-Treasurer filed a Single Application with the DCED for Assistance under the COVID-19 ARPA Local Fiscal Recovery Funds. The request was in the amount of \$164,958.68, which if approved will be paid in two payments over the next two years. The projects eligible under this federal funding are restricted and fall under federal regulations for implementation.

ROADMASTER REPORT: The Roadmaster was able to get Groff Tractor and Equipment to reduce their initial COSTARS quote to \$84,500 for a new Case 580 SN Loader Backhoe, a sale which includes the trade-in of the Township's 1991 Case 580K backhoe. The new backhoe will be delivered at the end of this week. The Ingleby DGLVR project was completed last week. Approximately 2760 tons of 2A were laid and compacted to a depth of 12 inches with a width of 14 feet. The

new surface covered approximately 3400 feet of Ingleby Road. The road crew is planning on installing four culverts on Cemetery Road between the David Houser property and the Patchwork Farm.

PERMITS: For May: CKCOG (3) and Zoning (4).

HTPC: No meeting, no report.

PVRPC: Daryl Schafer said he is working on an invitation letter to all water authorities and operators in the P.V. area. The invitation is for an informal gathering and will be sent within the next week or two.

HAMA: HAMA Secretary-Treasurer, Patricia Valentine stated that the next HAMA meeting was not until June 16th, so she had nothing to report on at this time.

HWMA: HWMA Secretary, Tracy Ridenour reported that the bid for their project was too high and they were trying to secure more funding through CDBG. HWMA will also try to see if any future infrastructure funding may be available from the County Commissioners. Tracy Ridenour reported that board member Pamela Velasquez has moved out of Haines Township and their board will have another vacated seat. HWMA still want to have Pam Velasquez continue to serve as a consultant for their board.

PVEMS: Township representative Bari Deaven was present and asked Daryl Schafer if the Penns Valley Regional Planning Commission had discussed the need for PVEMS to have yearly certified audits. Mr. Schafer said 5 out of the 7 municipal officials in attendance liked the idea of having a certified audit every 3 years and using volunteer auditors for the other two years. Bari Deaven reported that their new ambulance is ok and their new staffing is going well.

CORRESPONDENCE: All correspondence listed on the agenda had been reviewed by the Board. The Township received an Act 14 Notification from Uni-Tech Consulting Engineers, Inc. on behalf of the Haines-Aaronsburg Municipal Authority. The notification is for a PA DEP Public Water Supply Permit. The Zoning Officer already prepared a land use letter for DEP but asked if the Board had any additional comments. Daryl Schafer motioned to submit the land use letter as prepared and to state that the Board had no additional comments. Fred Lingle seconded the motion and the motion was carried. Vote: D. Schafer – Yes F. Lingle – Yes

The Board of Supervisors acknowledged receipt of a letter from Uni-Tech, on behalf of HAMA requesting funding from the Township via the American Rescue Plan funding.

No actions were taken on the rest of the items listed under correspondence.

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT:

Fred Lingle motioned to adjourn the June 15, 2021 monthly meeting of the Haines Township Board of Supervisors at approximately 8:10 P.M. Daryl Schafer seconded the motion and the motion was carried.

Vote: F. Lingle – Yes D. Schafer – Yes