

The Dallas Township Board of Supervisors held their monthly meeting on Tuesday, **February 6<sup>th</sup>, 2018** at 7:00P.M. in the Municipal Building Meeting Room located at 2919 SR 309 Highway, Dallas, Luzerne County, Pennsylvania. The following elected and appointed officials were in attendance: Supervisor, Chairman, Frank Wagner, Supervisor, Vice-Chairman, William Grant, Supervisor Robert Wagner, Solicitor, Attorney Thomas P. Brennan, Police Chief, Douglas Higgins, Road Master, Martin Barry, Zoning Officer, Carl Alber, Township Engineer Representative, Thomas Doughton, Township Clerk, Tammy Miller, and Secretary-Treasurer, Nancy Y. Balutis.

Following the Pledge of Allegiance, Supervisor F. Wagner made a **Motion to pay the Bills**. Motion was seconded by Supervisor B. Grant and carried.

Supervisor B. Grant made a **Motion to approve 2017 employee healthcare reimbursements** received during the month of January, totaling \$1409.78. Motion was seconded by Supervisor F. Wagner and carried. Total reimbursements to date for the year 2017 is \$7907.73.

#### **Police Department Update:**

Police Chief Doug Higgins said the Police Department had received a Buckle Up PA Grant, which is traffic enforcement detail. He is not sure how many hours we will get, but normal is twenty to thirty hours. He just needs the approval of the Board and someone to sign the grant agreement. Motion was made by Supervisor F. Wagner to approve the agreement for the Police Buckle Up PA Grant. Motion was seconded by Supervisor B. Grant and carried. Police Chief Higgins said he had just one more request. In the year 2017, we had over one hundred fifty people die in Luzerne County as a result of drug overdose. One of those deaths was in Dallas Township. Police Officer, Robert Odgers, did an extensive examination, which lead to the arrest of the supplier. This arrest was one of three in Luzerne County. Not only has drug use increased in Dallas Township, it has also increased in the Back Mountain. Over ninety five percent of property crimes is a direct result of drug use. Officer Odgers was appointed Back Mountain Regional Drug Coordinate by the Luzerne County Drug Task Force in 2017. The purpose of the appointment was for Officer Odgers to organize cases in the Back Mountain and work with other Luzerne County regional directors. Since the start of this program, the working relationship has gotten better and the lines of communication have improved. He is asking the Supervisors for Police Officer Odgers to work full time on the Luzerne County Task Force. Officer Odgers will still be available to cover our shifts if there is a call-off and he will be able to cover overtime. Police Chief Higgins said he believes having him there is a great opportunity for Dallas Township. He said he had some statistics he would like to share: In 2016, Dallas Township had 24 drug arrests. They were not just the minor drug arrests, but rather the arrest with the dealers and suppliers. In 2017, that number increased to 34, and that doesn't include some of them that they have put on to be informants. He also had some statistics on overdoses. The Back Mountain Regional Fire & EMS covers Kingston Township, Lehman Township, Jackson Township, Dallas Borough, and Dallas Township. They responded to 242 drug overdoses last year. Kunkle Fire & EMS covers Dallas Township and parts of Wyoming County. They responded to 67 overdoses. What they are finding, is that a lot of the drugs is not specific to only Luzerne County, there are also a lot of drugs in Wyoming County. The total overdoses last year for the two companies was 309. Those ambulance companies were able to bring some of those people back, and some they didn't. He showed the Board some pictures, showing some seizures and money that the Task Force had gotten. The most recent one, this past week, had \$15,000.00 that he recovered along with a whole bunch of drugs. That money gets turned over to the Luzerne County Drug Task Force. Supervisor B. Grant asked Chief Higgins to clarify if Officer Odgers would be working for the entire Luzerne County, not just the Back Mountain. Chief Higgins replied that that was correct. Any overtime that would occur, would be

paid by Luzerne County. It would not be an expense for the Township. The Township would be responsible for paying his straight time. Any overtime would be paid by Luzerne County, along with training. Having him work both here and there full time is just too much. He can't put everything into it. Chief Higgins said he believes it is vital right now for Officer Odgers to work full time with the Luzerne County Drug Task Force with the amount of overdoses there are. There's a lot of money to be seized, as well as vehicles and equipment. He said his request right now is for the Supervisors to allow him to let Officer Odgers go to the Luzerne County Task Force, with the understanding that they pay for his overtime. There is an agreement that they have drawn up, but he didn't have it with him. Chief Higgins said he believes it is a real benefit for us. Solicitor Brennan asked if this agreement included the Township signing as well, because if so, the approval should include your authorization to sign. Chief Higgins replied it did, as there is a Memorandum of Understanding, which he doesn't have right now with him. Solicitor Brennan stated that it then is a matter where you not only are approving it, but also approving the execution of the Agreement. Supervisor B. Grant said that he and Doug had met with the Luzerne County Task Force Administrator, and he had explained the process and procedures, as well as the cost involved. Chief Higgins said it is a great opportunity for Officer Odgers to get involved with guys from Kingston, Wilkes-Barre, and Wyoming County because a lot of the drugs coming in here are from those areas. To have that person in there, opens up a line of communication that we have never had before. Supervisor f. Wagner made a Motion to approve and sign the agreement. Motion was seconded by Supervisor B. Grant and carried.

**Financial Security for the Dallas School District Project in the amount of \$2,743,855.40:**

Township Engineer Representative, Tom Doughton, explained that the Dallas School District is constructing a new intermediate school building to replace the Dallas Elementary School that's there. As part of the land development process with the Planning Commission, the School District is requesting final plan approval because of a rule that the department of education requires. As far as the land development process, they have two choices to obtain final plan approval. One is to post financial security that guarantees all the site improvements, or number two - You can complete the project, obtain a final inspection from the Township and issuance of a certificate of occupancy, and then secure final plan approval from the Planning Commission. In this case, the School District has to have final plan approval as part of their agreement with their financing situation or department of education, he is not sure if that is the reason. They want to secure final plan approval so they must post financial security. Their engineer supplied us with an estimate which the Township Engineering Office has to agree upon. They agreed upon the estimate and there is an additional ten percent added to that number for security purposes. All legal aspects are handled by Attorney Brennan. Attorney Brennan stated the School District has determined that the way they are going to set their security is to pledge an account, which they had at Landmark Community Bank, which is perfectly good security. He said we have a document with a very simple agreement, involving an assignment between the School District, the Township, and Landmark Community Bank. They are going to have a second document involving all three parties again of assignment of the bank account. This was the School District's idea, which he feels was an excellent idea and an excellent way for them to guarantee the security they need as well as save themselves cost. Attorney McLaughlin, representing the School District at tonight's meeting, presented the agreement and assignment of the deposit account, which were signed this morning by the School District and the bank. There are three originals. Only one person has to sign for the township. Attorney Brennan said he had forwarded copies ahead for the Supervisors to review. He recommended they approve and sign all three documents. We will keep one copy for ourselves and give the other two back to Attorney McLaughlin, who will deliver a copy to the School District and a copy of Landmark Community Bank. Attorney McLaughlin said he wanted to say one thing - He found it very easy to work with the Township's Solicitor and appreciates the Township's cooperation as the project moves forward.

Hopefully, they will get final plan approval from the Planning Commission next week. He thanked the Supervisors for their cooperation as well as all the employees of the Township. Motion was made by Supervisor B. Grant to approve and execute the signing of the Agreement. Motion was seconded by Supervisor R. Wagner and carried. Since only one signature is required from the Township, Supervisor F. Wagner, being the Chairman of the Board, will sign for the Township. Attorney Brennan stated we will also see that a copy of the agreement is given to the Planning Commission before next week's meeting so they will know the Supervisors approved it. Township Engineer Representative, T. Doughton said upon the final inspection and final plan approval, the bond would be released.

**Abby Call Patrick, from Dallas Kiwanis - Ice Rink Proposal:**

Mrs. Patrick stated she wanted to apologize for sending a wrong file of her proposal to the Supervisors, as there were some misspellings in it. She said the Dallas Kiwanis Club would like to propose a portable ice rink to use on a basketball court or a tennis court. She suggested they might get the Township to fill it with water, which would then have to freeze. The kids would have a place to skate. She asked if this might be a durable thing. Perhaps even in a park. She said they would do all of the work and all of the labor. They would put everything in and take everything out at the end of the season. She said she understands that there are a couple of parks in the area, one off of 309 and one in Kunkle. Supervisor B. Grant said he didn't know if the Kunkle Park could really work for the project, because it is located in a wooden area. He said our other park is off of Southside Avenue, and is where we are planning to have our playground, with bids going out in April. He suggested the baseball field site at the park might work for the Kiwanis project. Supervisor Grant said our number one concern is to find out the liability standpoint, whether we would have to carry the insurance or if the Dallas Kiwanis would have to give us a certificate of insurance. Attorney Brennan said it would depend on who is exactly in charge and control of it. But since it is on our property, we certainly want to make sure it's covered in any event. But that is something that can be worked out. Mrs. Patrick said that Kiwanis International does have insurance, which, she, too, can double check to make sure they would be covered on this project. Supervisor B. Grant said that the liability part was the only issue he had. He said one of our fire companies could deliver the water. Kunkle Fire Chief, Jack Dodson, who was present at the Meeting, said they do it all the time. Supervisor Grant said he thought the proposed project was great, because our kids don't have enough outside activities and spend too much time in front of TVs. He thinks it would be wonderful. Mrs. Patrick asked if there was parking in the park or if it was proposed. Supervisor Grant replied that there is proposed parking, which probably won't be completed until next year, probably in October. But there is some cleared area that is unpaved down in that area now, where people can park. He suggested Mrs. Patrick go down and take a look at the park and the area they would like to use, and then get back to us. In the meantime, we both can talk to our insurance companies. Mrs. Patrick said she would put together the whole thing and then come back. Supervisor Grant asked her if this was something they wanted to do this year. Mrs. Patrick replied they were thinking more like next year, because it would be hard to get the snow off now, build it, and then have the water freeze. Waiting until next year would also give them time to have some fundraisers and receive donations. The Supervisors said it would be fine to wait until next year.

Joseph Czarnecki, Representative of US NEPA – requested via email that the Township enact a **Resolution that would establish new anti-corruption laws for politicians, lobbyists, and outside groups**

**such as PACs:** Supervisor F. Wagner asked if Mr. Czarnecki was present, but no one responded. Supervisor F. Wagner said he would table this, as we have heard nothing about it from the Pennsylvania State Township Association. We would be approving a Resolution that we know actually nothing about. Supervisor B. Grant said he would agree to table it.

**Planning Commission's Comments on the Conditional Use Request by the Fellowship Church:**

Attorney Brennan stated the Fellowship Church on Hildebrandt Road in Dallas has proposed a building expansion to their existent facility. As a technicality, because of the size of the improvement, it falls under our Subdivision/Land Development Ordinance, which requires Conditional Use approval. This already went to our Planning Commission, who has reviewed and provided their recommendations on it. With a Conditional Use, the biggest factor we take into consideration in granting a conditional use is an environmental impact study. As we said at our last Meeting, this project consists of just closing in the building. The Planning Commission has recommended we grant the approval and waive the necessity of providing an environmental study. Attorney, Brennan said that by granting the two recommendations by way of a resolution, the supervisors would be granting the Conditional Use, at which point we would send them back to the Planning Commission. Township Engineer Representative, T. Doughton, said there was an environmental analysis on the area that already was done. A Public Hearing has been scheduled for March 6<sup>th</sup>, 2018 at 6:15P.M. The Board of Supervisors will render their decision later that night at the Board of Supervisor Meeting scheduled for 7:00P.M.

The Township's Elected Auditors approved a 2.5% **wage increase** for Supervisor F. Wagner. His new rate will be \$25.24 per hour.

The Township's Elected Auditors approved a 2.5% **wage increase** for Supervisor R. Wagner. His new rate will be \$22.80 per hour.

Motion was made by Supervisor F. Wagner to appoint Susan Maloney as the **Township's Police Department's Right-To-Know Officer**. Motion was seconded by Supervisor R. Wagner and carried.

**Discussion on the Appointment of a Township Manager:** Supervisor B. Grant said he wanted to update everyone about what they want to do. It was voted by the Township Supervisors to establish a five-person panel to review the applications for a Township Manager. The three Supervisors will be on that panel, and in addition, we have retired Magistrate Jim Tupper and Attorney Ben Jones. We advertised the position in the paper last Friday and again this Monday for resumes. We will be collecting resumes roughly over the next two weeks or so, and will forward them all on the panel. The panel will review the resumes, and then the panel will select the individuals to be brought in for a personal interview. The panel will then recommend the person to the Board of Supervisors at a regular board meeting who

would be approved to the Township Manager at that point. Supervisor Grant said how just wanted to explain the process because there were some questions at the last Meeting as to how it was going to be handled.

**Discussion relating to Comprehensive Plan and Zoning Map:** Attorney Brennan said we know, as part of amending the Zoning Ordinance, we are also developing a Township map. As you also know, several months ago, a 1.81 area tract, part of which the Hildebrandt building was on, was declared by the court to be part of Dallas Township and no longer a part of Dallas Borough. The boundary line was in effect, changed. It is important if we are going to develop a new map, to include this area on that map. Attorney Brennan said he spoke with Jack Varaly, who requested that we give him written instruction to include that parcel on the map. On February 2<sup>nd</sup>, Attorney Brennan said he gave Jack a legal description for the 1.81 acres and also forwarded a survey map of the 1.81 acres. So he said, he is asking the Supervisors to inform Mr. Varaly to include the 1.81 acres on the map. The question then becomes what should be the zoning of the property. The adjacent property in Dallas Township is zoned an Industrial District, and it would seem only logical that something that was just coming in as a new piece would be an extension of the Industrial District parcel. That is what he recommended the Supervisors do. If that would ever become a Township property, it would be a public use, which would be permitted in the Industrial District. If it does not become part of the Township property, it seems only fair and appropriate that the present owners of the property, since they had nothing to do with the boundary line, that they be permitted to use the property as they had when it was in Dallas Borough. Therefore, he recommends that the 1.81 acre parcel be zoned as an Industrial District subject to a non-conforming use right of the present owner of the property. If the Supervisors are in agreement with the two suggestions, he is asking the Supervisors to pass a Motion so that the information could be passed on to Mr. Varaly, so that he could proceed with the mapping and the proposed designation of that zoning for the 1.81 acre parcel. Supervisor F. Wagner made the Motion that the 1.81 acre parcel be added to the Township's Industrial District. Motion was seconded by Supervisor B. Grant and carried. Attorney Brennan said that this will include not only getting the map done but will also be providing the second step in protecting the present owner with the non-conforming use status.

**Discussion on the building located on Lt Michael Cleary Drive versus the present Township building:** Supervisor B. Grant said that in some of the Meetings held in 2017, residents who knew we were interested in purchasing the former Hildebrandt Learning Center located on Lt Michael Cleary Drive, suggested we get an analysis to see what the cost would be to convert the basement, which is really the first floor, for the Police Department. We did. We hired an architect that was approved by the Board unanimously. We got the cost. Subsequently to that the idea to purchase the building was tabled. The USDA requested that we have a unanimous vote of the Supervisors to approve the loan. That was not obtained. Therefore, it was put on the back burner. In the meantime, it was brought up that we should take a look at the present Township building and get an analysis for what it would cost for us to expand this building to meet the requirements of the Police, and a Township Garage in the back, expand the salt shed, do all the required water retention, and develop additional parking, because the expansion of the building would go out on the side of the present parking area, some of which we will lose anyway, as the

of result of the Upper Demunds Road Project. So that analysis was given to Doug Trumbower. Tom Doughton and Ryan Doughton, and Supervisor B. Grant worked on the project to obtain the information they needed. Ryan and Tom provided us with the documents on Saturday or Monday. Some analysis still needs to be done. So Supervisor B. Grant said he suggested a meeting with the three Supervisors, Ryan Doughton, and Tom Doughton on Thursday morning at 8:30 to go over the numbers because they are extensive for exactly what we are going to be doing, if we do expand here. We are going to do an analysis of which building would make more sense. We have contacted some banks and so forth to see the costs of loans and so forth, for the expansion here. So all the analysis will take place here Thursday morning, and hopefully we can have a special meeting to decide if we are going to purchase that building or expand this building for the Police Department and Road Department, because the owner of the other building is anxious to either sell the building to us or to put it back on the market. Supervisor B. Grant asked if anyone had any questions. Supervisor F. Wagner asked if the meeting could be held on Friday instead of Thursday. As a result of the snow predicted, Supervisor R. Wagner will be busy plowing with the Road Department. Supervisor B. Grant asked if they could do it later in the day, at 3:30P.M. Everyone agreed that 3:30P.M. on Thursday would be good. Alan Pugh asked if the Meeting would be open to the public. Supervisor B. Grant said the supervisors would not be making any kind of decision at that time. They are basically going to discuss the information they were given by the engineers, so they don't feel it would be necessary to have it opened to the public. Supervisor B. Grant said he had just given the analysis to Supervisor F. Wagner and Supervisor R. Wagner today. Supervisor B. Grant said they probably will be scheduling a special meeting soon, because they have to let the owner of the other building know what they are going to do. The meeting will probably be scheduled for around 6:00P.M. so the public can attend and ask questions. Mr. Pugh asked how much money has been spent on the new building. Supervisor B. Grant replied we had put \$10,000.00 down as a deposit, which everyone had agreed upon, architects, legal fees, and appraisals, so all together, we probably have spent between forty and forty five thousand dollars of Township money on the building. Mr. Pugh questioned if this was originally approved for purchase by motion. Supervisor B. Grant replied that all three Supervisors at that time had agreed at the time on all costs going forward. Mr. Pugh asked if he could be reminded of what the purchase price of the new building was. Supervisor B. Grant replied the new building was one million three hundred and fifteen thousand dollars. Mr. Pugh asked if there was an estimate at that time of what the total cost would be with the renovation, as he understood that it didn't include the basement. Supervisor B. Grant replied that there was an estimate given by an architect of three hundred fifteen thousand dollars. Our police department worked with the architect in developing exactly what they needed – showers, cells, armory and so on. The architect has worked on another police station; he believes it was the Butler Township building, so they have the experience of developing a police station, which was a plus. There will be some additional fees – we have some architect costs, transfer fees, and other closing cost fees. In the end, Tom estimated roughly the total cost will be about one point seven. Mr. Pugh asked how many square feet we came up with in the one point seven. Supervisor B. Grant replied it was roughly eighty one hundred square feet, around \$200.00 a square foot. Mr. Pugh asked Engineer Representative, T. Doughton what the current cost would be a square foot today on that same building to rebuild. Mr. Doughton replied it would be two twenty five to two fifty a square foot. He is sorry to see the building might not be purchased. It was started and motioned on. At the end of the day, for someone who does a lot of work and has a lot of real estate holdings, this present building was

a pole barn that was redone. A great job over the years maintaining both the police department and the road department. But in his opinion, this facility has reached its limits. Adding on it is not something he would do to this facility if he owned it. He said he hopes the Supervisors think about it, and will do right for the Municipality, just like they have for the police department and road department. It is a lot of cost, but looking at the cost of everything today - the cost to build a home, the cost to do projects, etc., everything is expensive. He said he really feels the price is valid, and he hopes they consider that in their negotiations. Land is very hard to get today. There is very little property available in Dallas Township. There are not a lot of homes for sale in the Back Mountain. It is a tribute to our schools, police and road departments, municipality, and our tax structure. But the future is going to come, and there is very little property available today. Ann Davies asked if we have a cost on what it would be to renovate the present Township building. Supervisor B. Grant said we do, but the Supervisors need to go over everything first before publicly speaking about it. He said basically the price to renovate the present building is about the same with the purchase price of the other building. If we purchase the other building, the present Township building would become a garage. If we stay here we will have to build another garage. We will have to come up with more space for parking because we will have to put in some storm water management that we presently do not have. The addition will have to include more men and women's rooms and showers for the police department, which involves looking at how our present sewage is handled. Right now, we have a septic system. We need to speak to Tom and have everything broken down for us. We have a surveyor surveying the Township lines, which hasn't been easy, but we should find out about that any day now. That, too, will tell us a lot of what we can and cannot do.

Supervisor F. Wagner made a Motion to advertise for waste containers for spring clean-up to be held May 7<sup>th</sup> through May 12<sup>th</sup>. Motion was seconded by Supervisor B. Grant and carried.

Supervisor F. Wagner made a Motion to advertise the 2018 contract paving which includes Rice Court, part of Rice Drive, Troutbrook Drive, and Windsor Drive. Mr. Doughton said he is finishing up on the specifications and we should be able to advertise the project next week. Motion was seconded by Supervisor R. Wagner and carried.

Supervisor B. Grant said he had contacted the executive director of the Back Mountain Chamber of Commerce to see about joining. It will give us a chance to see what they are doing to establish more business and commerce here in the Back Mountain. Membership is free. With the approval of the Board, Supervisor B. Grant said he will fill out the application and get it to the Back Mountain Chamber of Commerce. Supervisor F. Wagner made a Motion to approve Supervisor Grant filling out the application and submitting it to the Back Mountain Chamber of Commerce. Motion was seconded by Supervisor B. Grant and carried.

#### Road Department Update:

Road Master Martin Barry said that since the last meeting, the Road Department has been dealing with the winter snow storms and pothole patching between them. We have had another good year with Christmas tree pick-up. Road Master Barry said that after some discussion with the supervisors and administration about the need for storing some items between the buildings, he has been looking for a short term solution. He found a 20 foot shipping container that could be delivered here for three

thousand dollars. They are conditioned and are sealed units. Supervisor B. Grant asked if he was talking about storing some of the records inside the Administration building. Road Master Barry replied that he was. Supervisor B. Grant asked if he was thinking about having the unit stored on Township property and if there are any issues with the weather, etc. that could possibly destroy any of the records. He suggested it might be better to wait on making a decision about it until we know what we are going to do about the buildings. If we purchase the building, we will have an additional storage area. Supervisor F. Wagner said there is no hurry to move on the storage unit now. Township Engineer, T. Doughton said that the subdivision/land development files we keep here have got to be kept in a controlled environment. He had learned that the hard way in the past and had had his records destroyed, with no possible way of retrieving them.

#### Citizens' Comments:

Jeff Dreier who lives at 45 Dorchester Drive in Dallas, said he owns a property at 212 North Main Street in Shavertown. Adjacent to that property is a developed property run by Pizza Paul on land owned by the estate of Charles Gordon. He said a driveway permit was issued in order for Pizza Paul to open his business. It was stipulated that he had to have a driveway coming back out on Main Street. He said he has some issues with the issuance of the permit. First of all, the statute shows that the first twenty five feet can't have more than an 8% grade. He presented the Board with pictures to look at. The second thing, in his understanding, is that the first twenty five feet going from a commercial property to a road like that has to be paved. The third issue is, at our December meeting, he asked for us to look at it. We investigated and found that you have to have a 15 foot setback with no portion of the driveway in that 15 foot area. Stones and boulders were put on the driveway, marking an area of approximately 15 feet away from Mr. Dreier's property in mid-December. Four days ago, somehow the boulders moved closer to Mr. Dreier's property. He said he would like to have this driveway permit reviewed as well as have the supervisors look into this. Supervisor Grant asked Mr. Doughton, the radius from the entrance into the driveway from Mr. Dreier's property – isn't it required to be 15 feet to the radius starting on the main road? Mr. Doughton said at the start of the driveway, the radius can go inside that 15 feet because it is in the right-of-way – it is not private property. Where the radius starts straightening out, that has to be 15 feet. Mr. Dreier said what he has done is widened the driveway again to accommodate him access to the main street. Supervisor B. Grant asked if Tom and Martin could take a look at this. Supervisor F. Wagner agreed they should, and maybe even take the Zoning Officer/Code Enforcer, Carl Alber, with them. Mr. Alber said there is no way for Pizza Paul to have the driveway paved at this time. There is no blacktop plant opened where you can purchase blacktop. He said Pizza Paul had told him he will have it done in the spring. Blacktop plants don't open till at least April. Mr. Dreier said if he wasn't able to have the driveway paved at the time the project was being done, he should not have been issued a permit. Mr. Alber said he had met the requirements of the Zoning Hearing Board. At the time the hearing was going on, you were told that there was a thirty day period for it to be appealed. Mr. Dreier said he was not at the hearing. Mr. Alber said that during that period, no one had appealed it to the higher court. So, he said, he had no choice, he had to issue him a permit. Mr. Alber said he did not know about the boulders being moved until today. He feels they should go down and look at it. Supervisor B. Grant told them to report back their findings to the supervisors.

Robert and Donna Menig of 281 Upper Demunds Road said they were at our Meeting in the beginning of October. They are the ones that had the bullets put through their front door. He said they had gotten the report from the D.A.'s office, which showed their findings of the incident had not been reckless endangerment. He was traveling and had surgery, and hasn't been able to attend any recent supervisors meetings, but came today to see what we are going to do to update our gun range

ordinances and which ones were reviewed. Attorney Brennan said he wanted to start off by saying he was very sympathetic to the issue, because he lives in the woods, and is constantly mindful of someone shooting something. What he did find out, was that the ordinance we have comes very closely, almost identically, to the PA Game and Wildlife Ordinance, which basically says that people cannot fire their weapons or archery within certain safe zones. If they violate that, it is a summary offense, both in our Ordinance and in the PA Game and Wildlife Code as well. There is a \$200.00 fine. In the PA Game and Wildlife Code, if it is done twice, the penalty goes up, he believes, to \$500.00. There is nothing in our Township Ordinance that gives other remedies. We can't force people to apologize. He did find out, however, something that was a little helpful. If there is a violation, the district magistrate has the authority to require money for property damage. He said he called some of his criminal lawyer friends and defendant friends to get some information. They had told him that if there was a violation of the ordinance with no damage, you can go under either your township ordinance or the PA Game and Wildlife Ordinance. The difficulty of finding out and proving that someone shot something somewhere is extremely hard. There has got to be proof. They told me that the township ordinance is limited and the remedies for a violation of the ordinance is very limited as well. However, if something does happen in addition to the violation don't get bagged down up with the township ordinance. There is a criminal code which should apply if someone destroys property, if someone recklessly endangers someone, or if there is assault. These types of things should be taken to the County level, where there are real remedies, and they are real crimes. The Township's prime code cannot be the County's prime code. If someone came and had actual proof that someone had fired a weapon or archery, and there wasn't anything other than just that, then the township has the authority to proceed under our own ordinance or the PA Game and Wildlife Ordinance and to try to seek the remedies, which are very limited. If however there is a situation where someone is harmed, property is harmed, that should be prosecuted pursuant to the criminal code. Criminal mischief, assault and battery, anything with that nature that you would proceed with – should be taken to the county level. They are the ones that have the expertise and the ability to prosecute it. We are not equipped and we are not supposed to be equipped to develop criminal law and enforce punishments for the crime. He said he has signs throughout his property- "no hunting", "keep off property". If he was to come across where someone has a tree stand on his property – he tears it down. However, he can't remove signs from someone else's property or take their tree stand down off their property. But if he was to find out that someone fired something in violation of the township ordinance, this is what I'm going to do. If something hits his house or God forbid, hits his children, he is not going to be worrying about getting a few hundred dollars from the township's ordinance. He is going to go to the district attorney's office under the criminal code to the extent that he can. One of the things that troubled him – if someone violates our ordinance and we tell them not to do it again and they don't do it for ten days – there is no punishment. That is not good. If we can prove that someone has violated our ordinance, we should proceed under the township ordinance or the PA Game and Wildlife Ordinance. If something goes beyond that, like in the Menigs' situation, he would not want to mess around with a small ordinance. He would rather go to the district attorney's office. Attorney Brennan said that he understands the Menigs' read the district attorney's report and met and spoke with him extensively. For your situation, that is much more the course that should have been taken because a simple \$200.00 fine was not adequate. Mr. Menig said that was never the issue. Attorney Brennan said if he had known about this from the beginning and someone called him, he thinks he would have said let's call the police, let's call the district attorney and let's file this under the criminal code. He thinks that is where it belonged. He cannot say whether the decision of the investigating officer was right or wrong. You read the report. Attorney Brennan wished he could make someone apologize, but he can't. He didn't know if the Menigs' were ever compensated. Mr. Menig said it took three months, but he had been more concerned with someone putting his family or neighbors in danger. Attorney Brennan said that all the township would have been able to do was to

enforce the township ordinance. If there is real harm done, we can go to the district attorney and ask him to enforce its criminal code. If they refuse to do that, he believes there is a private criminal complaint that can be filed. You get it certified by the district attorney's office and then proceed. Attorney Brennan said he would want to do all of those things and he wouldn't want to be limited to a \$100.00 fine. He would want to go after every possible crime that existed because of what the person did. He said he doesn't mean to prejudge what happened in the Menigs' case. He didn't go and interview everybody. He would have asked the investigating officer whether it was done recklessly. Mr. Menig said that in both cases, the Dallas Township Police and the District Attorney's office had said it wasn't done recklessly. Attorney Brennan said that Dallas Township does not decide what is a state criminal code. We don't have investigators. He wish he could say that no one could ever come in his woods and shoot a weapon, but there is nothing he can do for himself or for the Menigs', except to say that if we can actually prove that someone actually violated a township ordinance without doing any harm to someone, we can go after them with either the Township Ordinance or the PA Game and Wildlife Ordinance . But, if it actually causes harm, it is an actual crime – and we should ask to have it prosecuted and if the district attorney won't help him work on it, then we should ask to file a private criminal complaint. He said he would be as upset as the Menigs' are. He said where he grew up, in Pittston, they would never have these things happen, because of the close proximity with his neighbors houses. More and more development will shriek things like this. You may write to the state legislators and tell them you feel we should have safe zones or tell them that they are too broad. I don't have an ordinance for you. If anyone wants to suggest things to him, that would be fine. He knows in past meetings, we spoke about having shooting ranges in the township. There are shooting ranges that people can use that are not far away. There is a culture that comes from everyone that hunts. Everyone who was at the first meeting you came to was stunned to hear what happened. No one wants to see this. Mr. Menig said they do not leave their kids out during hunting season. But in this case we know a gun was fired and we know who exactly fired it. He said the report showed that the two bullets had ricaschet in the same direction. That, to him, seems unlikely to imagine. Mr. Menig said he would like to ask for the township ordinance to be changed or have something added to it. Zoning Officer/Code Enforcer, Carl Alder said he is a hunter safety code enforcer – You cannot hunt within 150 yards of any structure, but anyone is permitted to target shoot in their backyard. Mr. Jeff Dreier asked how it is determined that something ricaschet. In the Menigs' situation, you have the guy that did it. He should be held responsible and accountable for what he did. Attorney Brennan said that is all he can tell them. If anyone has any suggestions, please call him. He's willing to talk to anybody and doesn't feel the township would mind.

**Joseph Czarnecki**, Representative of US NEPA stated he had requested to be put on the agenda to have the Township consider enacting a Resolution that would establish new anti-corruption laws for politicians, lobbyists, and outside groups such as PACs. He said he didn't know if he was put on the agenda or not. Supervisor F. Wagner stated he had a copy of the resolution and that it had been tabled, as the township has not received any information on it from the Pennsylvania State Association of Township Supervisors.

**Jeff Dreier** said he wanted to bring House Bill 1620, entitled the "Wireless Infrastructure Deployment Bill" to the Board's attention. Supervisor F. Wagner stated we had passed a resolution opposing House Bill 1620 at our last Supervisors Meeting.

F. Wagner made a **Motion to Adjourn the Meeting**. Motion was seconded by B. Grant and carried. The Meeting ended at 8:40P.M.

Respectfully submitted,  
Nancy Y. Balutis, Secretary-Treasurer