

A Meeting of the Dallas Township Board of Supervisors was held on Tuesday, July 3rd, 2018 at 7:00P.M. in the new Administration Building located at 105 Lieutenant Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania. The following elected and appointed officials were present: Supervisor Frank E. Wagner, Supervisor William J. Grant, Supervisor Robert J. Wagner, Solicitor, Attorney Thomas P. Brennan, Township Manager and Road Master, Martin K. Barry, Police Chief, Douglas J. Higgins, Zoning Officer and Code Enforcement Officer, Carl Alber, Township Planning Commission and Zoning Hearing Board Secretary, Tammy L. Miller, Planning Commission Chairman and Kunkle Fire & Ambulance Chief, Jack Dodson, and Township Secretary-Treasurer, Nancy Y. Balutis.

Following the Pledge of Allegiance, Supervisor W. Grant made a **Motion to Pay the Bills**. Motion was seconded by Supervisor R. Wagner and carried.

Supervisor F. Wagner made a **Motion to approve the employee health care reimbursements for the month of June** in the amount of \$449.07. Motion was seconded by Supervisor W. Grant and carried. Total employee health care reimbursements to date for the year "2018" is \$4164.25.

Supervisor F. Wagner made a **Motion to Approve the Minutes** from the June 5th, 2018 Meeting. Motion was seconded by Supervisor R. Wagner and carried.

### **Request by Rob Friedman for an extension of temporary use of septic and transfer tanks at the Beaumont Inn.**

Supervisor F. Wagner stated he felt Mr. Friedman should be granted an extension for temporary use of septic and transfer tanks - Mr. Friedman has to wait for the gas company to go in and cover the gas line before he can finish his job. The wet weather has prevented the gas company from being able to do this. Supervisor W. Grant asked if the extension was to be granted for sixty days, if that would be the limit of the extensions or could they come back. He said he spoke to Mr. Friedman, who said he is concerned the gas company may finish it, but it might take his guys a little longer to get it done, depending on the weather. Attorney Brennan said he felt we have discretion. When the extension was granted the first time, it was specifically said that if good faith and effort were being made, and the work couldn't be done for reasons outside of his control, that further extensions could be granted. He recommended the Supervisors grant a sixty-day extension this time and wait to see what happens. Supervisor F. Wagner made a Motion to grant Mr. Friedman a sixty-day extension for the temporary use of septic and transfer tanks at the Beaumont Inn. Motion was seconded by Supervisor W. Grant and carried.

**Request by “Ride for Gary” to hold a bicycle ride in memory of Attorney Gary A. Michak on Saturday, August 4th, 2018 in support of the Wilkes-Barre SPCA.**

Police Chief D. Higgins stated he had had concerns about the race crossing the highway on Route 309 and Kunkle Road, but after speaking with the race coordinator had learned they are going to have volunteer flaggers out who will stop the bicyclists from crossing the highway if there is vehicular traffic. There is really no need for police involvement. Motion was made by Supervisor F. Wagner to grant Township approval for the race. Motion was seconded by Supervisor R. Wagner and carried. A letter granting the Township’s approval will be given to the coordinator of the “Ride for Gary” to attach to the special events application that is required by PennDot prior to any race that involves the use of state roadways.

**Motion to enact Ordinance #2018-4: An ordinance that will amend Ordinance #2009-6, Chapter 85, Article IV - Stopping, Standing, and Parking.**

Police Chief D. Higgins stated that after our last June Meeting where there were complaints made about street parking by Crabby’s Restaurant on Lower Demunds Road and Ryman’s Road, he sent an officer over to the area. Twenty-five parking tickets were issued - and that was before the new parking ordinance was passed! Township Resident, Kimberly Suppon, stated there are vehicles parked there right now on the other side of the concrete barriers the owner has right on the corner, making it very dangerous. Police Chief Higgins stated that because the new Ordinance has not yet been put into effect, there are only so many ways they can give tickets. Resident Ann Davies asked if the new Ordinance will pertain to any place or just by Crabby’s. Police Chief Higgins replied it pertains to the entire Township. Attorney Brennan stated the parking issue have been an on-going thing for the Township, and that we have been working on updating the Ordinance for quite some time now. It involves winter parking issues as well. The parking at Crabby’s Restaurant is the most recent issue we have had. Road Master, Martin Barry, said to sum up the new proposed Ordinance, the winter parking from 6P.M. to 6A.M. in the winter time will now be eliminated. There will be no parking during snow storms and 8 hours afterwards, and also if the cart-ways are not clear. The Ordinance also states if there are any ice storms or hurricanes where the roads need to be opened, there will be no parking. Parking on a lot of older Township roads that are narrow and leave no room for turn arounds have also been addressed as well as no outlet roads that have no turn arounds. If a fire truck or ambulance needs to get in, they are forced to back up in order to get out. The new Ordinance will prohibit parking there throughout the year. Mrs. Suppon asked if signs will be posted. Road Master Barry replied any road addressed will have posted signs. There will also be signs posted at narrow intersections where there is no parking at the intersection as well as five hundred feet away. The new Ordinance includes the entire Township where there have been issues. Supervisor F. Wagner made a Motion to enact Ordinance #2018-4. Motion was seconded by Supervisor R. Wagner and carried.

## **NPDES Permit.**

In conjunction with the Comprehensive Plan, the **final Amendments to the Zoning Ordinance and Map** were sent to the Luzerne County Planning Commission June 29th for their review. Township Engineer Representative, T. Doughton stated the Township is currently the only Township in the community in the consortium for the MS4 that has a NPDES Permit. We are going to have to do our own permit renewal, as DAMA is not going to do it. Every community is required to have a NPDES Permit by the end of the year "2020". It includes all the storm water that comes down every municipal street in your community and discharges into a water of the Commonwealth. We got our permit two years ago and it is now up for renewal. Since DAMA was taking over our MS4, which goes hand in hand with the NPDES permits, we assumed they would be taking on the NPDES Permit renewals, but we have since been told that DAMA's engineering firms are not going to do the renewal. Road Master M. Barry said it had been discussed in the committee meeting with DAMA and all interested parties that there wasn't enough time in this period for DAMA to take on this task, but it was brought up that in the next permit cycle for Dallas Borough, Dallas Township, and Kingston Township, DAMA will be looking at designing a group one. Now that they have a full time MS4 coordinator, they will be able to take on more of this. The permit and fee have to be submitted by November 1<sup>st</sup>, 2018. The permit involves an extensive amount of work. It will be on the Township's Planning Commission's August agenda. The County has a thirty-day period to review and provide comments. After the thirty-day period allotted for the County's comments, the Township will schedule a hearing to discuss and receive public comments on the amendment. It will then be considered for enactment at a Supervisors Meeting. Supervisor W. Grant asked if the County digs down really deep into our doing. T. Doughton responded that the County is rewriting their own Ordinance right now. It was in the newspaper recently that their executive director resigned. It is uncertain if we will even receive any comments back from them. Our Ordinance only calls for us to wait for a period of thirty days for allowing them to make any comments they might have. Supervisor W. Grant stated the substantial changes made were the institutional districts, our A-2 Zone which contains the gas development, and taking the property here at 105 Lieutenant Michael Cleary Drive and making it industrial because everything around here is industrial. Planning Commission Chairman, Jack Dodson, said the Planning Commission had passed the changes on to the Supervisors to look at them and to adjust them if needed. Since changes are being made in the Map as well, the map will need to be posted. Supervisor W. Grant said there were a couple of minor changes that were designated because we moved our one R-2 Zone, which was Misericordia, over to on Sedlar and Upper Demunds Roads in order to keep our R-2 Zone. Mr. Dodson said there was also some wording in the institutional. There was nothing in there that said if, for example, if Misericordia were to come to the Planning Commission, they did not have to go through all the steps. That wording was not in there. If, under the new proposed

amendment, they were to come to us, they would still be required to do what they are required to do now. Attorney Brennan said we should just wait to receive the comments. We are basically telling everyone out there what the process is. T. Doughton said the amendment will basically eliminate people that are obviously like Misericordia or the School District, that have to come in every time they do something, for conditional approval. It is eliminating that. Those uses are allowed. They have been there for forty years, longer for Misericordia.

Supervisor W. Grant asked T. Doughton about all the **soil the School District had dug up without erosion control**. What is going to happen? T. Doughton said a violation was sent to them, just like one had been sent to the Game Commission last week. C. Alber said there is a silt sock there, but it is buried by very high grass. T. Doughton said it is not along the road. C. Alber replied that they must have moved it then, because it had been there. T. Doughton said the School District has a problem there.

### **Mid-Year Budget Update.**

Supervisor W. Grant said he wanted to give everyone an idea of where we are as of June 30<sup>th</sup> with the budget. Right now, the revenue we have brought in through the end of June was \$2,550,000.00 which is 77% of our total estimated revenue for the year. It is distorted a little bit. We get our real estate taxes early on in the period. So we have roughly about \$713,000.00 that comes in early on through April and May, leading to our revenue showing to be a little higher. We are also way ahead in the way of wage taxes. We budgeted somewhere around a million five and we have about 60% of the collection already. We are ahead in revenue categories, such as our wage tax, our building permits, and our real estate transfer taxes. Our operating surplus to date is \$781,000.00. Our expenses are \$1,778,000.00, which is 53%, roughly half of the expenses budgeted for this year. Even with the new building, we borrowed roughly about a million dollars, we still have about thirty some thousand dollars that we still have to bring in, based upon the equipment. So, we borrowed a million, spent roughly 1.3 or 1.315 million on the building, and we have had some renovations - some chairs, telephones, and so forth. With that included from the standpoint of fund accounting, we are still \$393,000.00 to the good at this point. We are doing fine from our operating results. We have 3.4 million dollars in our bank accounts, \$500,000.00 in CDs that are coming due shortly, that we will renew with a local bank that gives us the best rate. We are going to have a pension fund meeting in August to see where we stand with the pensions. The last pension meeting we were still in real good shape, probably one of two municipalities in the 76 municipalities that are actually overfunded and in good shape. Financially, we are fine right now.

### **Middle Line Supervisors for Police Department.**

Police Chief Higgins said he is getting where he can't handle everything, with all the paperwork and accreditation, so he is looking for one, possibly two middle line supervisors. What he would like to do to make it fair, is to administer a test that is provided through the PA Police Chiefs Association, to check everyone's knowledge. It is \$100.00 a test. He made a requirement that a Sergeant has to have so many years of service in and some other requirements. So not everyone in the Department will be eligible to take the test. But those who are, can take the test and it will provide him with a baseline to go off on based on their knowledge and performance. He wants to make it fair to the officers who are eligible, rather than just picking one himself. He realizes the costs for the tests are not in his budget. He will probably have four officers who qualify to take the test – so it is roughly \$400.00. Supervisor W. Grant said he felt that that it is a fair way of assessing the talent that you might have. Police Chief Higgins said it is also a way for him to fall back on, when the question of "Why did you pick him and not me?" comes up. He will be able to make an answer based on test scores. There are study guides that come with this. It is recommended you give each eligible officer forty- five days to study. It isn't just something thrown in their face. Supervisor W. Grant asked Chief Higgins if, when he does identify the person, is he planning on making the change right away because in the Union Contract, the Sergeant does get a pay increase. Chief Higgins replied that he was. Supervisor W. Grant asks if that would be in his January budget or if it would happen before January. Chief Higgins replied he would like for it to happen before January, but when it comes to that point, he would come to the three Supervisors. If they can't do it until January, then they can't do it until January – depending on where they are. At least he would know who and what direction to go. Supervisor W. Grant made a Motion to allow Chief Higgins up to \$700.00 for administering the Sergeant test. Motion was seconded by Supervisor R. Wagner and carried.

Effective July 2<sup>nd</sup>, the position of **Township Manager** was officially taken over by Martin Barry, who will also remain the Township's Road Master. Supervisor W. Grant announced Manager M. Barry would also be taking over as the local project coordinator for all the grants we have.

The **Luzerne County Association of Township Officials annual Convention** will be held on Wednesday, August 15<sup>th</sup>, 2018 from 9:00A.M. until 2:00P.M.

Township resident, Robert Richardson, who was also a member of the Township's panel for "Township Manager" signed over his \$100.00 **thank you monetary gift** from the Township, back to the Township to be put back in the Township's General Checking Fund Account to use for something special.

The Board and staff wish to thank the **Jehovah Witnesses Dallas Congregation** who donated twenty chairs to the Township that they no longer needed. They are going to be used in the Township's new Administration Building.

### **Police Department Update.**

The PA Chiefs of Police Association came up with an executive certification program for chiefs and supervisors in the Police Department. It involves taking classes and training courses. After taking the program, Chief Higgins was certified by the PA Chiefs as a certified Police Chief in PA.

### **Road Department Update.**

Road Master M. Barry said the Road Department has finished street sweeping and taken on different rounds of key areas for MS-4 responsibilities. The storm water plans discussed since January as well as those occurring from heavy rains this year, have been started – the Goodleigh Road Project, the Goodleigh Manor Project, and Ryman Road over by Crabby's Restaurant. Contracted paving is almost completed. The lanes in Windsor, Troutbrook, Rice Drive and Rice Court have all been paved. Some of the hand work and tarring of the seams still have to be done, but they are anticipating having them finished by Friday. The contracted tree removal and trimming is underway. They have done some key areas where the fire department, the DAMA recycling trucks, and the buses complained about hanging limbs hitting their vehicles. Our contracted guiderail company started work today. They did work to damaged guiderail out on Stredney Road and at Troutbrook and they are doing improvements for safety in intersections at Lower Fairground Road and Stredney Road. The Road Department was awarded two of the grants they had applied for through the Conservation District. The low volume road grant for Jake Moore Road was awarded in the amount of \$24,500.00. We received the full amount. The second phase of Goldsmith Road for the gravel road grant was approved for an awarding amount of \$12,000.00. Once the storm water problems have all been addressed, the Road Department is going to be headed into their typical gravel road maintenance and working on the grant projects.

### **Citizens' Comments.**

**Ann Davies**, representing the homeowner's Association of Bluff Pointe, stated the project in their development started taking place originally back in the year "2014". In the years "2015" and "2016" it was mostly paved. But it still has not yet been completed. There are drainage issues. In August of "2016" the Road Department left and didn't come back. She came tonight as a reminder. They are looking for a swale to be put in to protect property and the washout. They can't progress with their projects. They know the Road Department has been busy with other issues but hope Bluff Pointe can be put on the schedule for next year. The two-year predicted project has turned into a three-year project that they are already five years into. Road Master Barry stated it was unfortunate, but with other things

going on in the Township and other responsibilities, they have to understand that the Road Department has multiple developments, 42 miles of road. She said she understands, but it is something that needs to be addressed and attended to. She said she will keep coming back to the Supervisors Meeting until it is done.

**Chuck and Kimberly Suppon** stated the tree removal service the Township is using was at their house today and destroyed their hedges. She said they called Mr. Barry, who came out along with Zoning Officer/Code Enforcement Officer, C. Alber. Mr. Barry said that the tree removal service had not been given permission to do hedges – that they were hired to take care of trees that were hanging low and so forth. Mrs. Suppon said they received a phone call at 6:05P.M. from the tree service company who denied knowing they weren't to cut any hedges, and said they had been given permission to cut them.. Instead of being given an apology by the tree service company, the company had told them they were lucky they hadn't cut them down all the way . Road Master Barry asked them who they had spoken to. Mrs. Suppon said she believed he had said he was the owner. She said they realize there is nothing that can be done about the hedges now, even though they look horrible, but that she would have appreciated the tree service company apologizing, instead of saying they had the right to cut them all down. Zoning Officer/Code Enforcement Officer, C. Alber, said they had cut them by mistake. Mrs. Suppon said the service company had said they were not told not to cut the hedges. Road Master Barry asked for a phone number and name of whom she had spoken, and said he would address it. He said he had spoken with the owner and crew today, and had told them they had made a mistake, that the hedges were not to be done. The owner had replied that he knew the Road Department was going to be paving the road, and he had trimmed them back for the paver. Mr. Barry said he again told him it was not part of the deal, that he wasn't supposed to do anything like that. Mr. Barry said if the owner had made a comment like the Suppons said he had, it would be addressed. Mr. Suppon said the real issue is that he, himself, trims the hedges two or three times a year, and he was getting ready to come out to do them. When he stepped out, he found the tree service company had already trimmed them. When he asked who had told them to do it, the tree service worker had replied that the Township had. Mr. Barry said they had not been told to do them, and that it would be addressed.

There being no further comments, Supervisor F. Wagner made a **Motion to Adjourn**. Motion was seconded by Supervisor R. Wagner and carried. The Meeting ended at 7:33P.M.

Respectfully submitted by,

Nancy Y. Balutis, Secretary-Treasurer