

WALKER TOWNSHIP BOARD OF SUPERVISORS
September 7, 2022

Supervisors – **Keith Harter**
Deborah Zimmerman
James Heckman

Solicitor – **John Miller III**

Staff – **Sue Wagner - Secretary/Treasurer**
Don Franson – Township Engineer

Guests – **See Attached List**

Call to Order: Chairman Keith Harter called the September 7, 2022, monthly meeting of the Walker Township Board of Supervisors to order at 6:00pm in the Walker Township Municipal Building.

Pledge of Allegiance: Chairman Harter led the group in the Pledge of Allegiance.

Approval of August 3, 2022 Minutes: Supervisor Zimmerman made a motion to approve the August minutes as presented; motion second by James Heckman and approved by all three Supervisors.

Guests:

- Rod Beard, representing the Walker Township Water Authority, told the Board the Water Company will be making changes in their billing starting in January 2023 pertaining to hydrants.

Engineer Report:

- There were no updates on the 369 Walizer Rd and S&A -Lot Subdivision stormwater concern. Mr. Franson is waiting for the final inspection to see if the issue is resolved.
- Engineer Franson spoke with Mr. Bowman regarding the excavating at his property located at 1611 East College Avenue. Mr. Franson is concerned the earth disturbance may extend further than 5,000 ft, which triggers the Townships Act One 167 Stormwater requirements. Mr. Bowman told Mr. Franson he needs to finish the landscaping. When everything is completed, he will contact Mr. Franson to verify he is under 5,000.
- All the paperwork has been received for the Shoulder Upgrade Project - Contract 22-02 and should start the last week of September.
- The Stormwater Improvement Project 22-01 is still awaiting final documents. One of the projects in the Stormwater Projects is Richard Poorman's property located at 404 Hemlock Rd. Mr. Poorman would prefer the project be done differently than how the contract states and therefore will not grant an Easement. The Township Engineer does not agree to change it. Supervisor Harter made a motion to delete this project from the Contract because an Easement cannot be obtained from the property owner; motion second by Deborah Zimmerman and approved by all three Supervisors. Mr. Poorman would like the pipe removed from his property. Supervisor Heckman made a motion to have our Township Engineer survey 404 Forest Avenue; motion second by Deborah Zimmerman and approved by all three Supervisors.

AGENDA ITEMS:

1. Supervisor Harter:

Supervisor Harter and Supervisor Zimmerman asked Solicitor Miller to answer/clarify some questions that were raised from the Public Meeting held by the Fire Company:

1. Supervisor Zimmerman asked if there was any way to commit long-term funding to the Fire Company from our general funds?

Solicitor Miller replied there The Township can enter into a long-term agreement, but Supervisors can change pending how long their contract is. There may be a time in the future where the Supervisors change and they decide to terminate the agreement.

2. Supervisor Zimmerman asked if the proposed Fire Company Ordinance that was sent to the Fire Company be permanent?

Solicitor Miller replied the ordinance we are working on would require a commitment from the township for funding to the fire company provided the fire company complies with the requirements of the ordinance. However, an ordinance can be amended or could be repealed (terminated).

3. Supervisor Zimmerman asked if the Fire Tax can be increased, decreased, or even repealed?

Solicitor Miller replied the current Board of Supervisors can adopt a Fire Tax Ordinance to increase the current tax, but in the future a new Board of Supervisors could amend the Ordinance to increase, decrease or repeal it. It has happened. This can happen with Ordinances. A long-term agreement with the Fire Company is something that is not permanent or non-permanent. Supervisor Harter asked Mr. Beard if he had any disagreements with Solicitor Miller's answers. He replied he does not have any disagreements, but if there was a Long-Term Agreement there could be provisions put in that would impact the future Board of Supervisors ability to amend or repeal the agreement. Another option is the Township could execute a guarantee that could not be terminated to satisfy whoever is providing the funding to the Fire Company. Solicitor Miller agreed with Mr. Beard.

4. At the Fire Company Public Meeting, the Fire Company said they offered to hold work sessions with the Township and the Supervisors said it would have to be a public meeting that is advertised.

Solicitor Miller replied work sessions no longer exist under the Sunshine Law. It either has to be advertised where the public can attend, or has to fall under one of the exceptions of an executive session of which these negotiations would not be an eligible subject matter. It could be a conference where the Supervisors and the public body would sit and receive information from an outside source and nothing more. Mr. Beard said you cannot deliberate Township business or make decisions at a closed work sessions but feels you can have a closed work session under the Sunshine Law where the Supervisors receive information from the Fire Company. Chris Harter asked Supervisor Harter if he said the Township offered the Fire Company to have a public work session because he has never seen it in writing in the Township minutes. Supervisor Harter replied it was discussed at the meetings and Chris Harter did not agree there was an offer of a public meeting because it was never in the minutes.

5. Supervisor Harter said it was brought up at the Fire Company Public meeting if we have a current Fire Tax, we cannot use General Fund monies to add additional funds in our budget for the Fire Company.

Solicitor Miller replied he does not see anything in the Township Code that prohibits the Township from using a Fire Tax and monies from the General Funds. Mr. Beard said he agrees with Mr. Miller. Hydrants can be a different matter. Chris Miller, Treasurer of the Fire Company asked both Solicitors for understanding the Township Code Section XVIII – 1802. It states, “If the Board of Supervisors elects to pay the cost of fire protection services out of the general fund, any special fire protection districts and annual assessments shall be abolished”. Mr. Beard said that statement is in the Hydrant section of the Township Code. The section isn’t entirely clear, but the whole paragraph goes back to Hydrants and you can’t use both. Chris Miller read Township Code Section XXXIII, Section 3301 that says the Township is to hold all Fire Tax Money. Both Mr. Miller and Mr. Beard replied they have seen Townships do it both ways. The Township collects the money and gives it to the Fire Company to use for their expenses. The other is the Township collects the Fire Tax, sets up a separate account, and pays out expenses incurred in providing fire services.

Doug Corman spoke to the Board. In 2009, Mr. Burd, Mr. Heckman, and myself attended a seminar for Fire Services in the Municipalities. During that Seminar, Section 3205 of the Township Code specifies Townships and Boroughs can levy 3 mills for special fire tax. The levy passed is not passed onto the Fire Company. It should be maintained by the local government. All receipts and disbursements should be managed by the local government on behalf of the Fire Department. The advantage of this is from the State Fire Council, under House Law 1139. It says “all accounting, auditing of funds tax dollars, are accountable and Fire Companies do not have to provide separate accounting and audits”. Mr. Corman continued and said, “It’s simple, if you want transparency, you want clearness you don’t release the tax money. It alone avoids duplication, it saves money. It’s in the law.”

Supervisor Zimmerman said that in previous meetings we discussed who was going to “control” the money and there was never a request for the Township to take it back and manage it.

6. Is there anyway the Fire Company can go around the Supervisors to get the fire tax increased?

Solicitor Miller replied he knows of no way the fire company can go around the Township to raise a fire tax. Mr. Beard responded he would research putting the question on the election ballot. The Board already asked the Elections Office and they replied in order to put a question on the ballot for a millage increase it has to be at least 3 mills.

Supervisor Harter handed out a cost estimate of what he feels would be the projected debt load using, the December, 2021 list and fire company discussions along with a comparison of a one mill tax increase and the Township’s offer \$125,000.

At this time Chris Harter asked Mr. Poorman if he ever insulted his intelligence by asking him what he knows about Fire Companies. His was response was no and Mr. Harter asked to go on record that he never insulted anyone with his questions.

Discussion was then held regarding the Draft Ordinance the Supervisors sent to the Fire Company. The Fire Company said there was no dollar amount listed in the Ordinance and no guarantee of money; therefore, they wouldn’t even consider it. Mrs. Zimmerman questioned why no one ever came back to the Board with their comments.

Agenda (con't):

2. Supervisor Deb Zimmerman:

Supervisor Zimmerman asked the Fire Company which piece of equipment they would like to purchase first? Chris Miller replied a rescue and a tanker. She offered to make motion to allocate from General Funds \$300,000 for a down payment on a piece of equipment and set up a special fund with a long-term agreement of \$125,000 if the Fire Company would opt out of the tax. Discussion was held regarding who was going to "control" the money and again not being in writing. A guest in attendance suggested they hire a mediator who is not associated with the Supervisors or the Fire Company. The Township also received a letter suggesting this.

3. Supervisor James Heckman:

Supervisor Heckman asked Supervisor Zimmerman where the money for the new parking lot is coming from? She replied the Open Space Account, money the Parks and Rec Board is allotted from the yearly Budget which they have been saving, and American Rescue Funds. The American Rescue Funds are not allowed to be used to help the Fire Company.

Supervisor Heckman made a motion to increase the Fire Tax in 2023 to 2 mils. Supervisor Harter said the motion could not be accepted because a previous motion was approved which asked the Fire Company for information that has not all been received. The Fire Company said they do not follow the Sunshine Law and do not have to provide minutes the Board had on its list.

4. Zane Sherman:

Zane Sherman, Township resident shared his opinion on the facts and findings from previous minutes, Township Code, the Supervisors Handbook, the Sunshine Act Law and the Census. In conclusion, he would like to see the Township payoff all the Fire-Company long-term debt that would free up money for the Fire Company. He asked all to use their power to vote and consider what they would be willing to pay to save a life.

5. Chris Harter:

Chris Miller thanked all for their support for the Golf Tournament the Fire Company held. He said upcoming events will be the annual cash drawing on September 17, 2022, in October will be Fire Prevention Week and Light the Night.

Guests:

- Several guests spoke thanking the Fire Company and Board for all they do. They expressed their support for increasing the fire tax and support to have the Township help the Fire Company instead of an increase of Fire Tax. Discussion was held regarding the Township having to possibly pay for State Police coverage in the future. A petition was given to the Board signed by 79 people asking the Supervisors to deny the millage increase and use the General Funds to support the Fire Company.

Supervisor Zimmerman made a motion to offer the following three options in writing and leave it open for negotiations to the Fire Company:

Option #1

The Township will provide \$300,000 by December 31, 2022 to allow the Fire Company to place a down payment on a new piece of equipment. \$125,000 will be designated to the Fire Company yearly for an initial 20-year agreement and will be reviewed annually and adjusted for inflation or additional funding if both parties agree.

Option #2

Put a question on the 2023 ballot to be voted on to increase the Fire Tax to a total of 3.01 mils. This would be a 2.1 mil increase from the current funding. The Township will continue to support the Fire Company at the rate of \$125,000 for the year until this is completed. If it is voted in this increase will not start until 2024.

Option #3

Approve the 1 mil tax increase that has been requested by the Fire Company.

Motion second by Keith Harter. James Heckman said no. Motion passed 2-1

SOLICITOR REPORT:

- Solicitor Miller has not received any response from Comcast pertaining to the proposed changes that were sent to them for the Franchise Agreement. Mr. Miller will reach out to them before the next Board meeting.
- The Solar Ordinance with the Zoning Officers comments is currently on hold awaiting Planning Commission comments.

ZONING:

- Supervisor Harter reported there were 12 Zoning Permits and 3 Driveway Permits for the month of August.

ROADMASTER:

- PennDot is done using Cemetery Lane, which they closed for the Y in Zion Project. It is the Township's responsibility to vacate that property back to the owners. Before that happens, the Township will contact West Penn Power and let them know what we intend to do so they can obtain a Right-of-Way agreement with the current property owners. Also, when the project is finalized, the traffic signal will be the Townships responsibility for maintenance. PennDot will do a 30-day test period starting August 15, 2022. At the end of the test period, tentatively September 15, 2022, a 180-day warranty will be in effect on the signal equipment. Upon final acceptance of the signal installation, the responsibility will be turned over to Walker Township. The Township will need to hire a maintenance company to take over.
- Routine Park Maintenance continues with the Road Crew. There was a water leak in the park.
- The Hoy Rd Bridge project is still in the design phase

PARKS AND REC REPORT:

- Supervisor Zimmerman reported she had nothing new to report.

NEW BUSINESS:

- Mark and Sadie Esh Minor Subdivision Plan – CCPCDO #97-22 located off Dunkle Rd.
 1. Supervisor Heckman made a motion to accept Parks and Rec Fee-in-Lieu recommendation of \$2,500; motion second by Keith Harter and approved by all three Supervisors.
 2. Supervisor Harter made a motion to Approve and Sign the Component One – DEP Sewage Planning Module; motion second by Deborah Zimmerman and approved by all three Supervisors.
- Supervisor Heckman made a motion to accept Parks and Rec Fee-in-Lieu recommendation of \$2,500 for the Rightnour Subdivision – Resubdivision of Lot 90R Phase 5R of the Woods of Sand Ridge into Lot 90R and 91R Lands of Bradley R. Rightnour – CCPCDO No. 87-22; motion second by Keith Harter and approved by all three Supervisors.
- Supervisor Heckman made a motion to donate \$2,500.00 to the Centre County Library; motion second by Keith Harter and approved by all three Supervisors.
- Supervisor Heckman made a motion to hold a Budget Meeting on Monday, October 17, 2022 at 1:00pm at the Walker Township Municipal Office; motion second by Keith Harter and approved by all three Supervisors.
- Supervisor Harter made a motion to hold Trick or Treat on Monday, October 31, 2022 from 6:00pm to 8:00pm; motion second by Deborah Zimmerman and approved by all three Supervisors.
- A letter was received from The Crossroads Group, LLC looking to develop a wireless communications facility in Walker Township. No action was taken until more information is provided.
- The 2022 Centre County Liquid Fuels application was received and will be discussed at the October meeting.

Supervisor Heckman made a motion to approve the August General Fund Paid Bills in the amount of \$570,742.27 and August Treasurers Report; motion second by Deborah Zimmerman and approved by all three Supervisors.

Supervisor Heckman made a motion to adjourn the meeting; motion second by Keith Harter and approved by all three Supervisors.

Meeting adjourned at 10:35pm

Respectfully Submitted,

Susan L. Wagner