

1. Call to Order

The November Board of Supervisors' meeting for Heidelberg Township was held on Wednesday, November 8, 2023, at Porters Fire Company. The meeting was called to order at 6:00PM pm by Chairman Tim Hansen. Those present:

Tim Hansen, Chairman

Matt Bollinger, Vice Chairman

Paul King, Supervisor

Barbara Krebs, Manager

Judy Mustard, Secretary

Zachary Rice, Solicitor

Kurtis Sterner-IT Specialist and approximately 48 residents/members of the general public were present.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Acknowledgment of a quorum

Chairman Hansen acknowledged the declaration of a quorum. The chairman welcomed Solicitor Rice, filling in for Solicitor Shultis, who was unavailable due to this month's meeting being shifted to the second Wednesday.

a. Amendment of Agenda

Solicitor Rice spoke to the need, under Act 65, to amend the agenda to include an executive session at the end of today's meeting. He recommended the executive session be held to consider an offer to mediate which accompanied an appeal made to the Office of Open Records (OOR) received this week. Chairman Hansen made the motion to amend the agenda to Add Executive Session: Right to Know Appeal/Consideration of Mediation (King vs Heidelberg Township, OOR Docket No. 2023-2686), seconded by Vice Chairman Bollinger. Motion passed 3-0.

4. Public Comment

Eagle Scout Noah Schneider was not able to attend. Manager Krebs read aloud a statement he had prepared. "I am pleased to announce my Eagle Scout Project is complete. My project took about 276 hours, and we raised about \$19,000. I thank you and everyone for their support. I hope my project positively affects the community for years to come."

Peg Moulton, Laurel Woods Lane, representing the Trolley Trail project, offered a brief update.

Chris Walker, Porters Fire Company Chief, spoke about the scheduling and approval requirements and fees associated with use of the Fire Hall. He described why a recent request for use was denied, spoke about the needs of the Fire Company, the sacrifices made by its personnel, and its impartial and nonpartisan support of this community.

Paul King spoke about Abraham Lincoln's travel on the train through Porters 160 years ago on his way to deliver the Gettysburg Address. There will be a memorial event on Saturday November 18th at 3:30pm at the American Seed Company's parking lot. Bring your Lincoln stories and questions. Had requested that Right To Know Officer be an agenda item, but will skip the issue at this time.

Scott Rabenstein, Thoman Drive, spoke about historical and current financial priorities and concerns.

Tara Wenzel, Deagen Road, congratulated Supervisor Bollinger and Auditor Fuhrman for their apparent victories in yesterday's election and for running clean campaigns, and spoke about negative campaigns vs. positive contributions.

Renan Castillo, Cannery Court, stated that he has repeatedly heard that the public should refrain from campaign messaging at the Supervisors' meetings, and that social media is where campaign battles and issues belong. He asked what the Supervisors thoughts are. Supervisor King stated that Supervisors' meetings are governmental meetings, and he believes political statements are inappropriate during the meeting. Chairman Hansen stated that political statements have been happening at Supervisors meetings for years, and agreed that they should not be brought here, where the purpose is for Supervisors to communicate about government business and what's going on in the township, for residents to ask about financial, safety, and other necessary questions.

5. Approval of BOS Minutes

Chairman Hansen made a motion to approve the October BOS minutes, seconded by Vice Chairman Bollinger. Discussion: Supervisor King stated that the Minutes are not approvable because he believes they were prepared by a volunteer not the Secretary in accordance with her job description and municipal code. He cited a triple conflict of interest over the description of her comment last month regarding the newsletter and how it was misused to affect her campaign, and thus the newsletter was campaign literature. VC Bollinger and Chairman Hansen disagreed with that position. Motion passed 2-1. Supervisor King voted against.

6. Communications

Chairman Hansen announced the Penn Waste notice that effective January 1, 2024 their quarterly collection rate will be \$88.51. The rate increase is due to disposal rates and York County resource recovery facility increase to \$7/ton.

7. Public Safety

Porters Fire Company, Chief Walker gave the October Fire Report. The utility truck is ready, will be updated and expected to be in service by the end of the year, at which point they can sell the current Chevy Suburban.

Chairman Hansen made a motion to approve Porters Fire Chief as Heidelberg's Municipality Representative to authorize any requested changes on Fire and EMS responses within Heidelberg Township, seconded by Vice Chairman Bollinger. Motion passed 3-0.

Chairman Hansen stated during the month of October, WellSpan EMS responded to 21 calls in Heidelberg Township.

Northern York County Regional Police Department, Lt Migatulski stated that The Officer David Tome Memorial Community Picnic was held Oct 18, 2023, thanks to all who attended. This year's Toys For Tots toy drive, will be November 25th from 11am - 3pm, with two drop-off points: Bailey's Coach and Dover Station parking lot.

8. Planning /Zoning

Judy Mustard offered the October Zoning Report. There were 6 permit issued and \$300.00 collected.

9. Code Enforcement

Chairman Hansen stated there was no action to report this month.

10. Finance

Chairman Hansen made a motion to approve the September's Treasurer's report, seconded by Vice Chairman Bollinger. Motion passed 3-0.

General Fund- Checking

| | |
|-----------------------|---------------------|
| Beginning Balance | \$ 439,639.29 |
| Revenue | \$ 77,968.64 |
| Expenses | \$50,444.02 |
| Ending Balance | \$467,163.91 |

South West PD Fund

| | |
|-----------------------|--------------------|
| Beginning Balance | \$31,722.59 |
| Revenue | \$0.00 |
| Expenses | \$ 0.00 |
| Ending Balance | \$31,722.59 |

COVID Relief Fund

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|-----------------------|----------------------|
| Beginning Balance | \$129,595.90 |
| Revenue | \$0.00 |
| Expenses | \$ 266.81 |
| Ending Balance | \$ 129,329.09 |

State Fund Checking-Savings

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|-----------------------|----------------------|
| Beginning Balance | \$245,315.84 |
| Revenue | \$2.02 |
| Expenses | \$0.00 |
| Ending Balance | \$ 245,317.86 |

Chairman Hansen made a motion, seconded by Vice Chairman Bollinger to accept the Bills Paid Report. Motion passed 2-1. Supervisor King voted against.

Chairman Hansen made a motion, seconded by Supervisor King to accept the October Office/Maintenance Activity Report. Motion passed 3-0.

Chairman Hansen made a motion, seconded by Vice Chairman Bollinger to approve the Real Estate Tax Refund for Michael and Janice Dougherty in the amount of \$8.76. Motion passed 3-0.

Chairman Hansen made a motion, seconded by Vice Chairman Bollinger to enter into contract with Klugh Animal Control Services for calendar year 2024 and authorize the payment of \$450.00 for retention of services. Motion passed 3-0.

Chairman Hansen made a motion, seconded by Vice Chairman Bollinger to appoint SEK, CPA's as the 2024 auditors to complete the 2023 financial records of the township and file with the appropriate agencies. Discussion: The engagement letter will be available from SEK for review by supervisors after they have been appointed as auditors. Supervisor King asks what is included in the engagement agreement, and will it include looking into surcharges and verifying that expenses paid were properly authorized through the minutes? He believes that it was not done in the last two audits. Solicitor Rice suggested making the approval conditional on legal review of the engagement letter by Solicitor Shultis. John Johnstonbaugh and another member of the audience asked questions. Chairman Hansen agreed to making the motion conditional on review and approval by Solicitor Shultis, seconded by Vice Chairman Bollinger, to appoint SEK, CPA's as the 2024 auditors to complete the 2023 financial records of the township and file with the appropriate agencies. Motion passed 2-1. Supervisor King voted against.

Chairman Hansen announced the Budget Discussion for 2024. Manager Krebs presented budget 2023-2024 analysis. Discussion: Supervisor King stated the PIB loan for road improvement was problematic because Norma said contractors did not get prompt payments, and a lot of money went to C.S.Davidson for the Gitts Run project. Vigorous discussion about past road paving projects and what was/was not successful. VC Bollinger stated that he was tired of throwing money at roads in a cheap way that have to be redone, and "sometimes spending money saves money". Chairman Hansen nodded in agreement. Vice Chairman Bollinger made a motion, seconded by Chairman Hansen to approve advertisement of notice of proposed 2024 budget and post on the website. Motion passed 2-1. Supervisor King voted against.

Chairman Hansen read the October Right-To-Know Report:

- 10 New Requests received in October total YTD 60
- 0 voided by applicants
- 5 completed in October
- 6 RTK Officer requested additional 30-days for response
- 3 not due until November
- 1 Received Right to Know appeals filed on the above RTK requests
- September Estimated Township/Solicitor Cost: \$ 3,337.15
- September Estimated Employee Hours Spent on RTK: 57 hours

The audience asked questions about what the typical RTK load for a typical township, rights of requesters, excessive requests, rights of citizens to know who is making requests, posting RTK request information on website, and community recourse against individuals creating onerous/abusive volumes of requests. Chairman Hansen and Solicitor Rice answered resident questions. Supervisor King addressed the residents saying that he told them that every time they made a statement that he thought was a misstatement he would file an RTK to find out if it was correct or not, and that he has disproven resident claims. "So, if you want to cut back on RTKs, don't say stuff that I'm going to have to check out." Chairman Hansen made a motion, seconded by Vice Chairman Bollinger to accept the October Right-To-Know Report. Motion passed 3-0.

11. Highway, Roads and Streets

Chairman Hansen reported that we replaced a sign at Menges Mill and York Roads, assessed signs that need to be replaced to be compliant with current State guidelines and boom mowed several Township Roads

12. Parks and Recreation

Chairman Hansen reported that the playground equipment was delivered, installed, and is being heavily used, and the dedication of Larry Sterner Memorial Park held October 28, 2023, and was heavily attended.

13. Solicitor

Solicitor Rice stated he did not have any particular items to discuss.

14. Supervisors

Chairman Timothy Hansen

Chairman Hansen corrected the statement of RTK cost for August, the amount of \$5216.45 included staff wages.

Chairman Hansen made a motion to appoint Gene Morelock to serve as alternate zoning hearing board member. Vice-Chairman Bollinger seconded. Motion passed 3-0.

Meeting Dates for 2024 will be on the first Wednesday of each month except for January and July. Those will be held on Tuesday January 2nd (reorganization and supervisor's meeting), and Wednesday July 10th (due to the Independence Day holiday). Meetings will be held at 6pm. If work sessions are needed, they will be held at the township building at noon on the Thursday prior to the scheduled meeting to allow proper time to have an agenda ready to be posted. Supervisors are amenable to this schedule. Manager Krebs will advertise these meeting dates.

Vice Chairman Matthew Bollinger

No issues to discuss.

Supervisor Paul King

No issues to discuss.

15. Old Business

None.

16. New Business

None.

17. Upcoming Meetings

Chairman Hansen stated the Zoning Hearing Board will meet November 29th, 2023, at 7:00pm. The next Board of Supervisor's meeting will be December 6th, 2023, at 6:00pm. The Planning Commission will meet December 13th, 2023, at 7:00pm.

- a. Executive Session to discuss Right to Know Appeal/Consideration of Mediation
(King vs Heidelberg Township, OOR Docket No. 2023-2686)

Vice Chairman Bollinger stated that he was ready to rule on the issue without executive session, that he wanted it to play out like it is supposed to. Solicitor Rice stated that executive session was a right but not a requirement. Chairman Hansen

directed that the executive session allowed by the earlier amendment was not needed. Solicitor Rice explained the appeal process to the Supervisors and audience. Chairman Hansen made a motion to handle the RTK Appeal without mediation. Vice-Chairman Bollinger seconded. Motion passed 2-0. Supervisor King abstained.

18. Adjourn

Chairman Hansen made a motion seconded by Vice Chairman Bollinger to adjourn the meeting at 7:24PM. Motion passed 3-0.

Judy Mustard. Township Secretary