

PALMER TOWNSHIP BOARD OF SUPERVISORS
GENERAL BUSINESS MEETING
MARCH 1, 2010

A general business meeting of the Palmer Township Board of Supervisors was held on Monday, March 1, 2010 at 7:00 p.m. in the Community Room of the Palmer Library with four Supervisors in attendance: Dave Colver, Mike Mitchell, Ann-Marie Panella and Bob Smith. Robert Lammi was absent. Also in attendance were the Township Manager, Public Services Director, Police Chief and Township Solicitor. Chairman Colver convened the meeting and led those present in the Pledge to the Flag.

2. APPROVAL OF DISBURSEMENT OF FUNDS MARCH 1, 2010

INFORMATION

The report will be provided at the meeting.

DISCUSSION

On motion by Mitchell, seconded by Panella, and agreed by all, the Board approved the disbursement of funds for March 1, 2010.

3. APPROVAL OF MINUTES – FEBRUARY 23, 2010

DISCUSSION

On motion by Smith, seconded by Panella, and agreed by all, the Board approved the minutes of February 23, 2010.

4. CORRECTION OF PRIOR MINUTES AND RATIFICATION OF TRANSACTION FOR LOT 3 OF REMALY INDUSTRIAL PARK

INFORMATION

The Board needs to approve/disapprove the correction of minutes and ratification of transaction for Lot 3 of Remaly Industrial Park.

DISCUSSION

Bruno read the following statement to be included in the meeting minutes:

SALE OF LOT 3 REMALY INDUSTRIAL PARK
FROM GEORGE V. SEIPLE & SON CO., INC. TO PALMER TOWNSHIP

This statement is intended for the record to clarify the previous minutes of the Board of Supervisors meetings held on December 7, 2009, December 21, 2009, and December 29, 2009 pertaining to the above transaction involving the sale of Lot 3 Remaly Industrial Park by George V. Seiple & Son Co., Inc. to Palmer Township.

On December 7, 2009 Solicitor Bruno reported to the Board on the status of the approval of the preliminary/final subdivision plan for the subdivision known as the Remaly Industrial Park which includes Lot 3, the status of the Developer signing a Subdivision Improvements Agreement as well as the status of an Agreement of Sale between the Township and Developer pertaining to the sale of Lot 3. Although a final Agreement of Sale had not yet been prepared for execution, the terms of the transaction were close to being finalized and the Board approved a motion to authorize the Chairman to sign an Agreement of Sale authorizing the Township to purchase the land known as Lot 3 for the amount of \$869,526.00 and proceed to settlement on that transaction provided the Agreement was in a form satisfactory to the Township Solicitor.

On December 11, 2009 George V. Seiple & Son Co., Inc. and the Township of Palmer entered into an Agreement of Sale pertaining to the transaction. Section 1.B of the Agreement of Sale stated that "the Buyer and Seller hereby acknowledge and agree that because the conveyance of this property is in lieu of condemnation, this conveyance is exempt from real estate transfer taxes....." Said Agreement also provided for the date for settlement to be on or before December 14, 2009.

On or about December 14, 2009 the Township of Palmer and the Seller, George V. Seiple & Son Co., Inc. proceeded to closing pursuant to the terms of the transaction. Seller conveyed title to the property to Buyer, Palmer Township by way of a Deed in Lieu of Condemnation consistent with the terms of the Agreement of Sale.

The minutes of December 21, 2009 reflect that Attorney DeEsch reported under the Solicitor's Report portion of the meeting that the Remaly settlement took place on December 11, 2009 for Lot 3 of the subdivision whereby the Township took title by way of condemnation.

On December 29, 2009 at a meeting of the Palmer Township Board of Supervisors, the Solicitor attempted to clarify the minutes of December 21, 2009 by suggesting that the minutes of the Solicitor's report referred to in the previous meeting should be modified to reflect that the Township took title by way of a "deed in lieu of condemnation" however the minutes reported "whereby the Township took title by way of condemnation."

In an effort to further ratify the transaction between George V. Seiple & Son Co., Inc. and Palmer Township and to further clarify the minutes, the minutes of this meeting should reflect that pursuant to the authority previously granted to the Chairman of the Board of Supervisors as well as the Solicitor, Palmer Township entered into an Agreement of Sale relative to the sale of Lot 3 in the Remaly Industrial Park and further proceeded to settlement on the transaction whereby the Township acquired title to the premises in question by way of a deed in lieu of condemnation.

A copy of this written statement shall be attached to the minutes of this meeting being held on March 1, 2010.

On motion by Mitchell, seconded by Smith, and agreed by all, the Board approved the clarification of previous minutes as read by Solicitor Bruno.

5. ICMA POLICE STAFFING PROPOSAL

INFORMATION

The Board needs to approve/disapprove the police staffing proposal.

DISCUSSION

Colver noted they would be moving this item to the next meeting agenda.

6. APPROVAL OF BALLARD SPAHR AS THE TOWNSHIP LABOR RELATIONS ATTORNEY

INFORMATION

The Board needs to approve/disapprove Ballard Spahr as the township labor relations attorney.

DISCUSSION

On motion by Panella, seconded by Smith, and agreed by all, the Board approved Ballard Spahr as the township labor relations attorney.

7. APPOINTMENT OF TOWNSHIP REPRESENTATIVES FOR POLICE CONTRACT NEGOTIATIONS

INFORMATION

The Board needs to appoint representatives for police contract negotiations.

DISCUSSION

On motion by Smith, seconded by Colver, and agreed by all, the Board approved Mike Mitchell and Ann-Marie Panella as township representatives for police contract negotiations.

8. DISCUSSION REGARDING DRAFT FIBER OPTIC CABLE AGREEMENT

INFORMATION

The Board needs to approve/disapprove the draft fiber optic cable agreement.

DISCUSSION

Anckaitis said Attorney Dennis DeEsch has written a draft response related to the agreement from Northeastern ITS, LLC. Anckaitis said he wanted to ask this Board before Attorney DeEsch sends back the response if there should be anything else included in the response. There were no further items to be included and no further action required tonight.

9. PUBLIC COMMENT

Steve Klaver, 2649 Hermitage Avenue, asked what would be involved to start an ordinance regarding snow removal. Klaver said during the last storm his neighbor got a new snow blower and was removing snow from people's driveways. Klaver said he was throwing his neighbors snow into my yard and up against my house and shrubbery. Klaver asked if an ordinance could be enacted to prevent people from putting snow on other people's properties. Colver said we haven't heard about this before but it is a good point. Colver said we will have to do a little homework on this request. Police Chief Fretz said there is no enforcement on this. Colver said he will have the code department look to make sure there isn't anything in the existing ordinance, possibly under the nuisance section of the ordinance. Anckaitis said if damage occurs to a property between two neighbors it is a private issue.

10. REPORTSPolice Chief

- Fretz had one personnel item for executive session.

On motion by Mitchell, seconded by Panella, and agreed by all, the meeting was adjourned at 7:24 p.m. one personnel item for executive session.

Respectfully submitted,

Robert G. Anckaitis
Township Manager