

# PINE GROVE TOWNSHIP SUPERVISORS

175 OAK GROVE ROAD, PINE GROVE, PA 17963

FEBRUARY 13, 2008 MEETING MINUTES

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**CALL TO ORDER** - Chairman Larry Zimmerman called the February 13, 2008 meeting to order with the Pledge of Allegiance at 7:00 PM. Attending were Supervisors Allen Aungst, Judith Lehman, Diane Tobin and Solicitor Gino DiNicola. Supervisor Jerry Wise was absent. Also present: Sect. / Treas. Kathy Ferguson, Bernie Kulkaski, Donald Wenrich, Tom McMullen, John Haldeman, other residents; list on file.

## **PUBLIC COMMENT ON AGENDA ITEMS**

- ♦ Bernie Kulkaski said he would like to comment on the landfill gas issue, Roberts Road and the Pine Grove Borough letter.
- ♦ Donald Wenrich said he has questions on the money from PennDOT.

## **MINUTES / FINANCIAL ITEMS**

- ♦ **January 7, 2008 Re-organization Meeting Minutes and January 7, 2008 Regular Meeting Minutes**  
Aungst moved to approve both meeting minutes and Lehman seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Treasurer's Reports (December, 2007 and January, 2008)** – Zimmerman said the General Fund beginning balance in January was \$210,006.87, January receipts were \$50,655.01, January expenses were \$49,648.80 and the General Fund ending balance is \$211,013.08; the Combined Funds balance is \$2,684,711.35. Lehman moved to approve both reports and Aungst seconded the motion, all were in favor and motion carried 4 to 0. Ferguson said she prepared the 2007 Survey of Financial Condition Report. Aungst moved to approve the report and to have the chairman sign it. Tobin seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Approval of Bills** – Zimmerman moved to approve paying the bills totaling \$18,275.36. Lehman seconded the motion, all were in favor and motion carried 4 to 0.

## **REPORTS**

**Elected Auditors Report** – No comments on the report.

### **Engineers Report / Planning Commission Report**

- ♦ William Sheffy Jr. Lot #1 Sketch Plan of Record – Aungst moved to approve the Sheffy plan, Lehman seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ Lyman L. Witmer Sketch Plan of Record – Tobin moved to approve the Witmer plan, Lehman seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ Wessner Lot 2A Sketch Plan of Record – Ferguson noted the Planning Commission approved a waiver for the flag lot. Discussion on the flag lot and road access followed. Tobin asked if Zimmerman sees a problem with the driveway and Zimmerman said no, it is coming off Longstretch Road. Aungst moved to approve the Wessner plan and Lehman seconded the motion. Aungst, Lehman and Tobin voted in favor of the motion; Zimmerman opposed the motion stating he was opposed to the flag lot. Motion carried 3 to 1.
- ♦ SEDCO Meeting re Roberts Road – Zimmerman gave Kulkaski an opportunity to speak, he said he would wait until after Zimmerman gave his report. Zimmerman said he and Aungst attended a meeting with SEDCO. Zimmerman said SEDCO has been approved for a \$200,000 grant (including funds for SEDCO to pay engineering fees) for the culvert at Roberts Road and they are requesting our engineer do the design for the project in order to save money by not having another firm design it and our engineer then reviewing their design to approve it. Zimmerman said they are trying to figure out the best location for the cul-de-sac and if possible use money from the grant to put it in.

**SEDCO Meeting re Roberts Road, cont.**

Kulkaski said he had paid to have the culvert engineered and said the engineers could review what was already done. Zimmerman said Kulkaski had engineered for a 100 year flood but our SALDO only requires it engineered for a 25 year flood; unless the Board changes it our engineer will be designing it for a 25 year flood. Zimmerman said a copy of what Kulkaski had engineered had been given to Benesch.

Kulkaski said the cul-de-sac is not part of SEDCO's responsibility and Zimmerman agreed saying is not part of the grant money, but the project would have to be engineered at the same time since they will use dirt from the culvert project for the cul-de-sac.

Aungst moved to approve an agreement with SEDCO to use our engineer for the Roberts Road culvert. Lehman seconded the motion. Tobin asked if the agreement will be reviewed by our Solicitor. DiNicola said Joe Zerbe had contacted him about a joint venture agreement. Tobin asked who would put the project out for bid and Zimmerman said our engineer would do that. Tobin asked if it was part of the grant funding. Zimmerman said no.

Zimmerman called for the vote on Aungst's motion, all were in favor and motion carried 4 to 0.

**Landfill Inspector** – Kulkaski said there was an incident with the Ingenco gas pipeline construction that affected the sewer authority. Kulkaski asked why no permits or reviews are required for a contractor putting in a pipeline in the Township; it leads to a conflict with the sewer authority. Kulkaski asked Tobin to shed some light on the situation. Tobin said the problem was Ingenco re-routed the pipeline around the sign at the bowling alley and went over top of the sewer line, which they cannot do; they were told to stop until the issue could be resolved and they cooperated. Kulkaski asked if it is an inspector issue. Lehman said as an inspector she inspects within the gates of the landfill, she was never instructed to go off-site. Kulkaski said for the record, for construction of that sort the township should have some authority or approval over it.

**Recreation Board** – Ferguson said she was notified their meetings will now be held the first Monday of the month instead of the first Tuesday of the month and she has advertised the change. Zimmerman asked how many poles will be taken out, Aungst said two are mentioned in the report but only one pole was taken out.

**Roadmaster** – Roadmaster was not present, no comments on the report.

**Supervisor's Road Inspection** – Zimmerman asked for comments on the minutes Aungst took. Aungst said they should replace any metal pipes on Pine Hill Road before paving. The Board agreed Lehman should give John direction to have Joe Kretulskie get the information for the bids for next month. The Board decided the road crew should start work on the shoulders of Pine Hill Road as soon as possible.

**Zoning Officer** – Zoning Officer was not present. Zimmerman said six permits were approved for January. Tobin asked what the inspection is he listed. Zimmerman said he has done inspections for occupancy permits but doesn't know if he does them anymore. Lehman asked if the Zoning Officer goes out to look at what is on the permits, Aungst said yes.

**PennDOT Reimbursement** – Wenrich asked about the reimbursement for the bridge clean out. Aungst said on January 23rd he was at a meeting in Harrisburg with PennDOT. Aungst said they asked for additional documentation from the contractors on the equipment used etc.; he sent them the information on February 8<sup>th</sup>; we are now waiting to hear from them. Aungst said we can still appeal to PennDOT if they say no.

**OLD BUSINESS**

♦ **Joint Treatment Authority Board Appointment** – Lehman moved to reappoint John Stahl. Tobin said she will abstain because she is employed by the Joint Treatment Authority. Lehman said she heard there were problems, but has never heard what they were; all she can see is what the man has done on a timely basis. Zimmerman said he is not going to second the motion and asked Aungst if he is going to second the motion, Aungst said not at this time. Motion died for a lack of a second.

**Joint Treatment Authority Board Appointment, cont.**

Wenrich said it would be appropriate to hear what the complaints were and where they came from. Aungst said he did not have to divulge where the complaints came from, but there were complaints at the meetings that people can't agree on situations.

Tom McMullen questioned Aungst about not attending any meetings and said he had second-hand information. Aungst said he met with John Stahl and discussed the situations, John did a good job, but looking to the future of the sewer authority it would be good for a change. Wenrich said their guidelines state complaints from the general public are not sufficient for removing someone. DiNicola said they are not removing Stahl; his term is up, they can choose to appoint who they want. McMullen asked to hear the letters of recommendation for the reappointment of Stahl, saying they should consider those opinions. Zimmerman said they are welcome to look at the letters and said he doesn't like the work John is doing.

Wenrich asked Aungst if he told John why he is not reappointing him. Aungst said he told John about the problems of handling the meetings. Wenrich said anyone in charge of things will have some complaints. Zimmerman said that is the problem, John is not in charge, he is one member of a five member board. Wenrich said they appointed him in charge and Aungst said he is in charge to operate the meeting that is all. Wenrich asked who is in charge of the facility. Aungst said that is one of the problems, the Board should have appointed someone and Zimmerman said the board didn't. Wenrich asked how he came to be in charge. Aungst and Zimmerman said he should ask Stahl.

Aungst said we have candidates and moved to defer the decision until the next meeting. Lehman asked why we should wait. Aungst said we got the application today and he would like to talk to him and he thinks any candidate should attend a meeting before they are appointed.

Lehman moved to appoint Ray Stump. Questions arose whether Aungst had made a motion or recommendation. Ferguson stated Aungst had made a motion.

In answer to a question from McMullen, Solicitor DiNicola said John Stahl remains on the board as a "hold-over" until another person is appointed.

Tobin said there is one application and asked if there are more. Aungst said there is another person who wants to attend the meeting before he fills out an application. Kulkaski said for the record that John was appointed manager of the project and paid separate from the board pay.

Zimmerman said both motions died for lack of a second.

- ♦ **Sewage Enforcement Fee Schedules** - Ferguson said according to DEP, the Board cannot have more than one fee schedule for Sewage Enforcement and she had spoken with Fisher Engineering and McFeaters, they were agreeable to using the Light-Heigel fee Schedule. Aungst moved to adopt the Light-Heigel fee schedule for 2008 for Sewage Enforcement, Lehman seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **PLGIT Investment Accounts** – Aungst said he and Tobin reviewed the investments. Aungst moved the Board invest \$1,248,000 in PLGIT with a one year CD program of thirteen CD's at \$96,000 each. Zimmerman seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Pine Grove Borough Letter Request** – Zimmerman said at the last meeting there was a motion to have DCED come to the Township and Borough to explain the pros and cons of merging municipalities; that motion was turned down. Zimmerman said another motion was made to contact the Borough to see if they had any interest in it and that motion passed. Tobin read the first motion from the last meeting to clarify it: "Tobin moved to proceed with getting information on merging from DCED with Representative Seip's assistance if the Borough is interested in getting the information". Tobin said this was the motion that was defeated. Zimmerman said the Borough has asked us for a letter asking them if they are interested in discussing a merger. Zimmerman said there is no merger, Lehman said it is only fact finding on the pros and cons of a merger.

### Township / Borough Merger Issue cont.

A lengthy discussion including the comments below followed:

- The Board said the Township did not propose to do a study to see if the Borough is interested in merging, they wanted to know if they are interested in finding out the pros and cons of a merger.
- Lehman said voluntary mergers have been encouraged by the state and education is needed, it may come to a mandatory thing some time.
- The Board said there are many steps before a merger would happen and any decision would be made by a referendum on the ballot and voting by both municipalities.
- The issue of water for the township in the Interstate 81 area was discussed. Kulkaski said in 1971 the Boyer Land Trust gave 115 acres to the Borough with the restriction it be used only as a watershed and submitted a copy of the deed for the land to the Board. Tobin said there would be water at the Interstate 81 area if the Borough had cooperated; and in response to questions about restaurants, she stated growth needs to be controlled.
- Tobin said she did not bring the subject of merging to the Board; she made the motion to find out if the Borough was interested. Kulkaski said he brought the subject to the Board because of questions he hears.
- Several residents spoke in opposition of seeking information on merging.

**Pine Grove Borough Letter Request** - Tobin moved to send the letter to the Borough and Lehman seconded the motion. Tobin and Lehman voted in favor of the motion and Zimmerman opposed the motion. Aungst said he abstains, Tobin and Zimmerman said he can't abstain. Aungst then opposed the motion. Motion was defeated 2 to 2.

### NEW BUSINESS

- ♦ 911 Addressing – Tobin said she spoke to the Communications Center about a call for an ambulance where the addressing in a development was a problem. Tobin said the Communications Center didn't do addressing for some of the developments and said the Township is responsible for the safety of the residents. Tobin said subdivision plans that involve multiple homes with new street addressing affects us. Tobin moved to have the Township notify the four fire companies and the ambulance with an addressing map when a subdivision with a street is added in the Township. Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ Committee Reports – Zimmerman (Roads) said it was discussed earlier in the road inspection. Aungst (Finance) asked Ferguson for a report comparing the first quarter financials for several years and including the 2008 budget. Tobin (Fire Cos.) said Wise is setting up a meeting with the fire companies.
- ♦ Landfill Host Fees – Ferguson said the Township received 4<sup>th</sup> Quarter 2007 Host Fees of \$3,169.16 and asked the Board which Capital Reserve account and bank they wanted it deposited into. After discussion Zimmerman moved to deposit Landfill Host fees into the Invest account with the State Treasury, Lehman seconded the motion, all were in favor and motion carried 4 to 0. Zimmerman moved to approve signing a check for the transfer of \$3,169.16 to the Invest account from the General Fund. Aungst seconded the motion, all were in favor and motion carried 4 to 0.

### CORRESPONDENCE

- ♦ **Pine Grove Township Municipal Authority 2007 Annual Report** – Ferguson said it is the annual report for DCED stating the authority is inactive and it needs to be signed by the chairman. Zimmerman said he thinks they need to decide if they want to keep that Authority in place because it was originally set up with the authority having total control over everything and the Township would have no control except to put people on the Board. Zimmerman said the other way to set up an authority is to use it to borrow money and after the project is done the township would lease it back and run it. Zimmerman said he feels they lost control of the authority and asked the Board to research it until next month to vote on it. Tobin asked if he has any project in mind for that authority and Zimmerman said no, he just doesn't like the way it is written. Item was tabled.

## CORRESPONDENCE, cont.

- ♦ **Waste Management Negotiations on Landfill Gas** – Tobin said she found information from August of 2005, when they were in negotiation. Aungst said page 13 item F says “Pine Grove Landfill agrees to negotiate with the Township in good faith with respect to any future landfill gas extraction sale project in the event the gas from the Pine Grove landfill becomes commercially marketable”. Aungst said we got a letter saying they are willing to meet and he feels two people should meet with them on a preliminary basis and come back to the Board with a recommendation. Aungst said he didn’t think Lehman should be one of the people and Zimmerman agreed. Aungst recommended Tobin and Zimmerman. Lehman said she doesn’t agree that she should not be involved with negotiations with the landfill; she is in conflict with them on a regular basis. Zimmerman asked Tobin to set up a meeting with the landfill.
- ♦ **PennDOT Paving of SR 125** – Zimmerman said we got a letter saying they are going to pave SR 125 from the Borough line to SR 209. Zimmerman said he didn’t know of any projects we have in that area and said we will get a follow up letter from them. Tobin asked for a copy of the letter to be faxed to the Authority.

## PUBLIC COMMENT

- ♦ **John Haldeman** said some people think the Fish & Game dam is part of the Borough land they talked about earlier, but it is not.
- ♦ **Donald Wenrich** asked if it is going to be a prerequisite now if you volunteer that you must attend a meeting. Aungst said he personally recommends they should. Aungst said anytime there is an open position and an application comes in, every Board member should have an opportunity to see it before a meeting and speak to that person. Wenrich asked if he is going to make that motion. Aungst said no it is not the Board’s policy. Wenrich said then it is not an official act and Aungst agreed. Aungst said if a form doesn’t come in a few days before a meeting he will probably be opposed to it.

Zimmerman said it is a good thing, the sewer authority is a very important thing because they spend the public’s money; there is a difference in appointing people to the Recreation Board or the Planning Commission because all of their things go through the Supervisors.

Lehman said when she made the motion to appoint, the man was a former supervisor, he is a member of the Planning Commission and is hooked up to the sewer; he is a good candidate. Zimmerman said yes and he will talk to him before the next meeting, if he has the views he is looking for he will vote for him.

- ♦ **Kulkaski** asked the Board to review the situation with the Boyer property so if the Township does have an interest there we don’t lose it. Tobin said they would want to reserve the right to have the same opportunity the Borough did. DiNicola said he will call Joe Zerbe, the Boyer’s attorney. Zimmerman said DiNicola should call him if anything needs to be done before next meeting.

**Kulkaski** said when the Board voted to not seek information (on merging) for the public; it is a perfect example of censorship.

- ♦ **DiNicola** delivered copies of the second part of the draft SALDO from Benesch to be distributed.
- ♦ **Lehman** said a request from the Health Officer had not been addressed. Lehman said he is asking the Township to pay for half of the expenses for him to attend a class. Lehman moved to approve the Health Officer’s request. Zimmerman seconded the motion, all were in favor; motion carried 4 to 0.
- ♦ **Ferguson** said the insurance forms for the Township’s policy with property values etc. should be reviewed by one of the supervisors before we get our bill from PIRMA. Zimmerman said he would review the forms.

## ADJOURNMENT

At 9:20 PM Zimmerman moved to adjourn the meeting, Tobin seconded the motion, all were in favor and motion carried 4 to 0.

**Respectfully submitted,**

**Kathy Ferguson, Secretary / Treasurer**

Approved by the Board of Supervisors 3/12/08