

# PINE GROVE TOWNSHIP SUPERVISORS

175 OAK GROVE ROAD, PINE GROVE, PA 17963

MARCH 12, 2008 MEETING MINUTES

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**CALL TO ORDER** - Chairman Larry Zimmerman called the March 12, 2008 meeting to order with the Pledge of Allegiance at 7:00 PM. Attending were Supervisors Allen Aungst, Judith Lehman, Diane Tobin, Jerry Wise and Solicitor Gino DiNicola. Also present: Sect. / Treas. Kathy Ferguson, Township Engineer David Horst, residents: Bernie Kulkaski, Joe Fisher, Nick Pompilio, Dean Wertz, Jane Cool, Ed Ely, Justin Fegley, Bonnie Brown, Lillian Patten, Terry Ritzman, other residents; list on file.

## **PUBLIC COMMENT ON AGENDA ITEMS**

- ♦ Bernie Kulkaski said he would like to comment on the flood issues.
- ♦ Joe Fisher asked if anyone involved in the complaint they handed in will be allowed to speak. Zimmerman said the three people listed on the agenda can speak. Nick Pompilio said he would also like to speak regarding the complaint.

## **MINUTES / FINANCIAL ITEMS**

- ♦ **February 13, 2008 Meeting Minutes** - Tobin moved to approve the minutes and Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Treasurer's Report** – Zimmerman said the General Fund beginning balance in February was \$211,013.08, February receipts were \$87,279.92, February expenses were \$45,116.70 and the General Fund ending balance is \$253,176.30; the Combined Funds ending balance is \$2,732,562.10. Aungst moved to approve the report and Lehman seconded the motion, all were in favor and motion carried 5 to 0. Ferguson said the quarterly report would be finished next week.
- ♦ **Approval of Bills** – Ferguson noted the insurance bill listed for PIRMA was due on March 2nd and has been paid. Lehman moved to approve paying the bills totaling \$41,026.21. Aungst seconded the motion, all were in favor and motion carried 5 to 0.

## **PERSONS TO BE HEARD**

- ♦ **Joe Fisher** provided supporting paperwork for a resident complaint submitted on February 22<sup>nd</sup> regarding a property on Keefer Road. Fisher said they feel a second home is going on a lot where there is an existing home and where they are planning to put up a 30' x 50' garage. Fisher said they are staking for the sewer and PP&L is getting ready to put poles in. Fisher asked Zimmerman if he gave permission for them to do this. Zimmerman said no and he is aware of a permit for a garage.

**Nick Pompilio** read a statement on behalf of some of the residents of Keefer Road (copy on file) listing some of their concerns regarding the possible building of another home on the Frantz property. Some of the issues listed were storm water run-off, placement of the septic system, property access, the deed description not matching the property, zoning permits, subdivision of the lot, building on less than one acre, etc.

**Dean Wertz** said they got a 911 address, why would they do that if they don't intend to put a house there. Wertz said somehow they got the lot divided and now both lots are illegal.

Zimmerman said he is not aware of any zoning permit applied for. Ferguson said a permit for the garage was just issued. Wertz asked if the lot is now too small, can they still do the garage and Zimmerman said that is why he asked if there is a zoning permit. Zimmerman said it is up to the Zoning Officer if it is legal according to our codes.

DiNicola said there are two issues involved, zoning and subdivision. DiNicola said at one time the property may have been two deeds and in 2005 it was two separate parcels on one deed. A lengthy discussion followed between Keefer road residents, the Board of Supervisors and the Solicitor.

Lehman suggested having DiNicola look into it as there is a technicality with the deed.

**PERSONS TO BE HEARD, cont.**

Zimmerman disagreed with Lehman, saying that is what the zoning officer is for; it is up to him if they can build there. Zimmerman said if a permit is applied for, he thinks in this case the Zoning Officer should let the Board know if it is approved so they can let these residents know so they have the right to appeal. Zimmerman said if the Zoning Officer denied an application and the landowner appeals it, then it would be advertised and the land would be posted. Pompilio said basically that is what they are asking for at this point, not to be excluded from the communication.

DiNicola said doing it that way increases the Township's burden and he is not sure that it is our obligation. DiNicola said one of the residents' requests was for the Township to place the property owner on notice that there were some people here who had concerns and to remind them to make sure they have all their permits before they incur any expenses for any construction. DiNicola said the residents can call the Township building to find out if a permit has been issued.

Tobin said she feels since there is a complaint, the least we could do is give the land owner notice as DiNicola mentioned. Aungst moved to send a letter to the property owner to review the necessary steps for permit approval for any potential building on the lot, Wise seconded the motion.

Jane Cool said in 2005 when the house was built on the property it was 1.5 acres and now the lots are .8 and .69 acres and they are putting a garage up. Zimmerman said that is what the Zoning Officer and the Zoning Board will take care of if there is a problem.

All were in favor of the motion by Aungst and motion carried 5 to 0. Aungst said he will draft a letter for circulation to the Board.

- ♦ **Bernie Kulkaski** said on March 5<sup>th</sup> he had parking lot damage with the flooding. Kulkaski said the amount of rain we had was 3.6 inches and there was more flooding than we've had for that amount of rain. Kulkaski said going back in the data for 25 years, 3.6 inches of rain never caused water to rise that fast before, it is an indication of mismanagement of development in the watershed. Kulkaski asked the Board to seriously look into long term planning to protect the residents and their property values.

Dave Horst said the County draft storm water ordinances will be mailed to all the municipalities in the county very soon.

- ♦ **Ed Ely**, 8 Geary Wolfe Road, said they have only been living there two years and have gotten flooded twice, he can't understand why the problem was never addressed. Ely said where the two creeks come together there is a low spot and that is where the water comes across first. Ely said the other problem is the bridge; it is unsafe and has cracks and holes in it. Ely said the canal area is a nesting place for mosquitoes and they are still getting water in their basement today. Ely said the digging out at the bridge didn't do any good. Ely said he called the governor's office and they gave him another number and they told him it is a township problem. Discussion followed between Zimmerman and Ely about the flooding, the canal etc.

Zimmerman said the Township doesn't own any land there and has nothing to do with the canal.

Aungst said the bridge (owned by the state) needs to be replaced.

Tobin said two years ago she was on the County steering committee for planning and this bridge was on the twelve year list for repairs she asked them to put it on for replacement. Tobin said she checked the bridge inspection listing on their website, but couldn't find that bridge on their listing. Tobin proposed the Township forms a committee to meet with PennDOT, take pictures of the bridge and discuss it with them.

Tobin moved to form a committee to meet with PennDOT about the Rt. 645 bridge and traffic on Brookside Road, Lehman seconded the motion, all were in favor and motion carried 5 to 0. Zimmerman said he is on the property and roads committee, but would not be on the committee to go to PennDOT. Wise said he cannot attend meetings during the day, so it was decided the committee to PennDOT would be Tobin and Lehman.

## REPORTS

### Committee Reports – No comment.

### Engineers Report / Planning Commission Report

- ♦ Submission of Plans to Township Office – Zimmerman said there is a problem with plans being submitted to the engineer and not to the township office. The Board clarified for the record that any plans submitted to Dave Horst will not be reviewed by him until they are submitted to the Township office and will not be considered as submissions or placed on the Planning Commission agenda unless the plans have been correctly submitted to the township office according to our SALDO.
- ♦ Roberts Road Engineering Agreement – DiNicola said he received a draft proposal from SEDCO's Atty. Zerbe and sent him some suggested revisions. DiNicola said the joint venture agreement identifies what the Township's responsibilities are and the limitations SEDCO has to the project. DiNicola said the DCED grant is \$200,000 and the agreement makes it clear that SEDCO is not going to be responsible to the contractors, to the township, or anyone for the costs of the project. DiNicola said his proposed modifications to the agreement include giving the Township the right to reject the project if the bids come in too high.

Horst said the grant allows \$160,000 for construction, \$20,000 for engineering and \$20,000 for contingencies. Horst said that estimate was prepared by WJP Engineers as part of the application for the grant. Horst said Benesch has prepared their engineering proposal of the project and estimate \$40,000 for survey, design, meeting attendance and construction administration. Horst said preliminary cost estimates for the new structure are \$146,000; for the complete project including temporary roads and construction costs it would be \$255,000 and with the cul-de-sac it would be another \$30,000 with a total estimated project cost \$300,000 to \$320,000. Horst said the agreement with SEDCO limits them to the \$200,000 grant so he wanted to give the Township the estimates so they know what financial commitment they are making.

Lehman asked if the culvert will solve the flooding problems, Horst said it would be designed for a 25 year storm event.

Tobin asked Aungst (SEDCO member) if SEDCO would contribute to any of the costs above the grant since they were instrumental in bringing the business in. Aungst said he doesn't recall them doing anything like that, but he can find out.

DiNicola said he could have the agreement in final form for them to execute at the next meeting or the Board could entertain a motion to approve the joint venture agreement provided they incorporate his revisions.

Zimmerman moved to proceed with the project and the joint venture agreement with DiNicola's revisions, Aungst seconded the motion. Tobin asked if Aungst should vote and DiNicola said he would rather not have a conflict. Wise seconded the motion, all were in favor; motion carried 5 to 0.

Aungst asked if property easements will be taken care of by Benesch and Horst said they will be approaching the property owners in conjunction with DiNicola's office.

- ♦ John Myers Resignation – Zimmerman moved to accept John Myers resignation from the Planning Commission since he is moving out of the area. Aungst seconded the motion, all were in favor and motion carried 5 to 0.

### Landfill Inspector – No comments.

**Recreation Board** – Justin Fegley was present and asked the Board of Supervisors for a contribution towards the \$2,400 cost of materials for the pavilion he is building on the Recreation Area as his Eagle Scout project. Discussion followed and Aungst made a motion to pay half of the material cost, not to exceed \$1,200 for Fegley's project. Tobin seconded the motion, all were in favor; motion carried 5 to 0.

Tobin said plans were submitted for the restrooms and Bonnie Brown said Myers has not returned their calls so they may have to get someone else. Tobin suggested applying for a grant for the restrooms and Brown said Marvin and Allen are working on that.

**Recreation Board, cont.**

Aungst said he went to Allentown to a DCNR grant writing seminar specifically for recreation areas and a representative from Wilkes-Barre looked at our Recreation Area last week. Aungst said he will have something for the next meeting and said the preliminary cost of the bathroom is \$40,000 to \$50,000.

**Roadmaster** – Roadmaster was not present. Zimmerman told Lehman to tell him they should fill the hole at Robert’s Road. Zimmerman said the Roadmaster is retiring, no action is needed tonight and the Board should decide until next month what they want to do, hire or promote someone.

**Zoning Officer** – Zoning Officer was not present. Zimmerman said four zoning permits and one occupancy permit were approved for February.

**OLD BUSINESS**

♦ **Pine Grove Township Municipal Authority** – Lehman said the initial agreement could not be found and would like to table it. Zimmerman said he may have a copy of the agreement; it was formed in the late 1980’s. The item was tabled.

♦ **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. Motion died for a lack of a second.

Aungst presented an application from Ken Miller and said he is a good candidate for the position. Lehman asked if he attended any of the Joint Treatment Authority meetings and Aungst said no. Aungst moved to appoint Kenneth Miller to the Joint Treatment Authority board. Lehman moved to appoint Ray Stump to the Joint Treatment Authority Board. Wise seconded the motion made by Aungst and Lehman’s motion died for lack of a second. Aungst, Wise and Zimmerman voted in favor of Aungst’s motion to appoint Ken Miller to the Joint Treatment Authority Board, Lehman opposed the motion and Tobin abstained. Motion carried 3 to 1.

♦ **Pine Grove Borough Letter Request** – Tobin said Wise was not here last month to weigh in on the issue. Wise said he spoke to a lot of people and there are a huge number of key individuals in the Township and the Borough not interested. Wise said as they go forward with merging the two fire companies he finds there are advantages, but a lot of drawbacks too. Wise said he got a very negative response to pursuing a merger at this point. Lehman said it is only a letter to meet about a merger.

Tobin said for the record she has no position for or against a merger. Tobin said as supervisor she makes decisions, motions and she votes. Tobin said if anyone has a problem, question or issue on her comments or votes; she wants those people to bring questions and concerns to her not complain to her family and friends because they have nothing to do with it. Tobin said there is a lot of misconceptions going on and words being twisted.

Zimmerman said no motions were made and the issue dies.

♦ **Waste Management Landfill Gas Negotiations** – **The Board of Supervisors went into an executive session at 9:27 PM to discuss the negotiations. At 9:52 PM the meeting resumed.** Zimmerman said the negotiations are not final and the solicitor will continue working on it.

♦ **Boyer Land Matter** – DiNicola sent a letter Atty. Zerbe advising him of the Township’s third party interest should anything happen with it. DiNicola said Atty. Zerbesaid his client authorized him to send a letter to the Borough reminding them they cannot sell the land and they are not seeking any reversionary action. DiNicola said he sees no need for further action.

**NEW BUSINESS**

♦ March 5<sup>th</sup> Flooding – Tobin said this item was addressed earlier in the meeting with the discussion of the bridge and the forming of the committee to PennDOT.

## CORRESPONDENCE

- ♦ **Election Bureau Request** – Ferguson said the Election Bureau would like to hold a voting machine demonstration in the township building between March 31st and April 18th from 3 to 6 PM. Zimmerman moved to approve the use of the Township building for a voting machine demonstration on a day they choose, Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Open Records Act Class** – Ferguson said the class will be held in Schuylkill County on Thursday, April 24<sup>th</sup> at 5:30 PM, if anyone plans to attend let her know so she can register them.

## PUBLIC COMMENT

- ♦ **Tobin** said there are two properties in the township needing attention for zoning issues for junk on the property. Tobin moved to have the Zoning Officer investigate and take the appropriate enforcement action. Lehman seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Tobin** said when they met with the fire companies they talked about putting in dry hydrants in the township, there is grant funding available for 50% of the costs. Tobin said the fire companies would write the grant, but the Township would have to pay the remaining 50% of the costs. Zimmerman said he doesn't see a problem with that.
- ♦ **Tobin** thanked Tim Weaver who was appointed in January as our Emergency Management Coordinator for jumping right in and helping with the flooding.
- ♦ **Tobin** said at the advisory meeting she and Larry were at with the Landfill, they are looking at bulk clean-up days on May 10<sup>th</sup> and September 20<sup>th</sup>, provided the Borough also agrees with those days. Tobin said it is part of our Pad 12 agreement with the Landfill and the Landfill does the advertising.
- ♦ **Aungst** said the Township is scheduled to get two recycling bins for glass, metal and cardboard in May. Aungst said when they come in they should change the configuration of the bins and put the plastic bins side by side.
- ♦ **Aungst** said he was in touch with PennDOT and they have not made a decision, the man he was corresponding with, Bruce Karper was transferred to a different position.
- ♦ **Aungst** mentioned Senate Bill 1063 which calls for the collecting of the EIT by the County. Aungst said he is not in favor of it.
- ♦ **Aungst** said the remains of the investment account are in the PLGIT Class account and Aungst moved to transfer \$228,000 from PLGIT Class to PLGIT Plus, Lehman seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Aungst** moved to send a letter he drafted to Mr. Barone at PennDOT about removing the trees under the bridges. Zimmerman seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Wise** said the fire companies asked if they are outside of the township doing a service like covering the fireworks at Twin Grove, are they covered by our insurance. Zimmerman said they should send a letter to the Township about the event, and then they should be covered. Wise said he talked to Randy Stump and he said if the township formally approves the participation of the fire companies in a non-emergency event, then the township insurance will normally respond, but both fire companies should have their own general liability coverage. Wise said if it is included in our minutes then it is not an issue. Wise will let them know what Stump said. Wise said their next meeting is June 18<sup>th</sup>.
- ♦ **DiNicola** said the property in Ravine was purchased after the time for filing for 2007 tax exemptions. DiNicola said he filed the appeal for 2008 and had received assurance from the assessment board the 2007 taxes would be taken off the tax roles. The taxes and penalties for 2007 are \$312.40 and he is working on it, but in the event his efforts are futile, they should consider authorizing Ferguson to pay it. Zimmerman moved to have Ferguson pay the property tax if required, Wise seconded the motion, all were in favor and motion carried 5 to 0.

**PUBLIC COMMENT, cont.**

- ♦ **Zimmerman** asked DiNicola to call the County solicitor about turning Clubhouse Road over to the Township.
- ♦ **Kulkaski** said the sewer authority had a lot of problem with the flooding and with people having sump pumps connected to the system. Kulkaski said they are unsure how to police it, but both municipalities will have to get involved in addressing that problem.
- ♦ **Stephanie LaSota** (Pottsville Republican) asked Aungst what bridges they were sending a letter to PennDOT about. Aungst said the letter was about Mill Creek Bridge, Swatara Creek Bridge at the Hess gas station and the Upper Swatara Bridge on SR 443.
- ♦ **Lillian Patten** asked if there would be something on the ballot about going back to three supervisors and Tobin said next year they would vote for three supervisors.
- ♦ **Bonnie Brown** asked if Kathy would call the landfill about getting the portable toilet for the Recreation Area, Ferguson said she would.
- ♦ **Terry Ritzman** asked if there is anything new on the merger of the fire companies. Wise said they are still pursuing it and he will let Tobin know the next meeting date so she can put it on the website.

**ADJOURNMENT**

At 10:31 PM Zimmerman moved to adjourn the meeting, Aungst seconded the motion, all were in favor and motion carried 5 to 0.

**Respectfully submitted,**

**Kathy Ferguson, Secretary / Treasurer**

**Approved by Board of Supervisors on April 9, 2008.**