

# PINE GROVE TOWNSHIP SUPERVISORS

175 OAK GROVE ROAD, PINE GROVE, PA 17963

APRIL 9, 2008 MEETING MINUTES

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**CALL TO ORDER** - Chairman Larry Zimmerman called the April 9, 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, residents: Bernie Kulkaski, Nick Pompilio, Joe Fisher, Dean Wertz, Dennis Fidler, Bernie Thompson, Terry Ritzman, Joyce Leffler, Tom McMullen, other residents; list on file.

## **PUBLIC COMMENT ON AGENDA ITEMS**

- ♦ Bernie Kulkaski said he would like to comment on Roberts Road and stormwater issues.

## **MINUTES / FINANCIAL ITEMS**

- ♦ **March 12, 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 March was \$253,176.30, March receipts were \$40,146.60, March expenses were \$62,220.03 and the General Fund ending balance is \$231,102.87; the Combined Funds ending balance is \$2,713,288.09. Aungst moved to approve the report and Lehman seconded the motion, all were in favor and motion carried 5 to 0. Ferguson said the independent audit report is in and asked the Board to approve advertising the financial statement. Tobin moved to advertise the Township's financial statement Wise seconded the motion, all were in favor and motion carried 5 to 0. Aungst said the audit letter says things are missing from the personnel files and he thinks two supervisors should go through the files. Ferguson said the only thing the auditors said were missing is some I-9 forms that provide information proving the employee is not an illegal alien. Ferguson agreed it would be good to have a standard list of what the Board would like to have kept in the personnel files. Aungst said the Board should periodically review the files and should schedule it in the next few months.
- ♦ **Approval of Bills** – Aungst moved to approve paying the bills totaling \$23,681.24. Lehman seconded the motion, all were in favor and motion carried 5 to 0.

## **PERSONS TO BE HEARD**

- ♦ **Nick Pompilio**, 216 Keefer Road, said he spoke at last month's meeting about a land development issue and asked permission to speak. Zimmerman said it appears there are a lot of people here regarding the issue and said they could address it now.

Pompilio said they understand the Zoning Officer has approved a zoning permit for the property and a building permit has been issued for the construction of a home on the substandard lot. Pompilio asked the Board if they appoint the Zoning Officer and Zimmerman said yes. Pompilio asked if the Board is his boss, why wouldn't the Board pass the concerns they raised last month along to the Zoning Officer to refer any application to the Zoning Board. Pompilio asked how they appeal the permit and if they appeal does it mean the property owner cannot start construction?

DiNicola said last month the Board told them they would have the right to contact the Township office if any permits were issued. DiNicola said his job is to advise the Board, not to counsel them; the Zoning Officer's (Clinton Koontz) job is to administer the Township Zoning Ordinance. DiNicola said if the Zoning Officer denies a zoning application the applicant has the right to appeal his decision to the Zoning Hearing Board, also if he grants a permit any person who is aggrieved by the decision has the same appeal rights to that board. DiNicola suggested they look at the ordinance and check the procedures in the Municipal Planning Code in the event they want to take action.

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## PERSONS TO BE HEARD, cont.

Pompilio said they advised the Board of the potential problems early on with storm water runoff and septic, the Supervisors should have the ability to tell the Zoning Officer to send the permit application to the Zoning Hearing Board because residents have issue with the application.

DiNicola said that is not how it is done procedurally; the appellate steps are the Zoning Officer, the Zoning Hearing Board, and the Court of Common Pleas. DiNicola said the home owner was alerted and the Zoning Officer knew about their concerns.

Other residents of Keefer Road spoke about complaints of stormwater and other issues involved with the property. There was discussion on the Zoning Hearing Board application process and the Board stated the Zoning Officer follows the Zoning Ordinance when making decisions.

DiNicola said the residents should consult with their own attorney as he cannot give them legal advice.

## REPORTS

**Committee Reports** – Aungst (Finance Committee) asked Ferguson if interest is received on the checking account at Lebanon Valley, Ferguson said no. Discussion followed on the accounts in Fulton Bank. Aungst moved to transfer \$100,000 from the General Fund Money Market Account to the Capital Reserves Fund Sovereign Investment Account. Zimmerman seconded the motion, all were in favor and motion carried 5 to 0.

### Engineers Report / Planning Commission Report

♦ **Bird's Eye View Estate Final Plan** – Discussion was held on the waiver for the flag lot, DiNicola said Horst (Township engineer) indicated it was necessary for this development. Discussion was held on the requirement for monuments. Aungst moved to approve the Bird's Eye View Estate Final Plan without requiring the monuments. Kulkaski said the monuments are good to certify elevations for future construction. Aungst's motion died for lack of a second. Zimmerman moved to approve the Bird's Eye View Estate Final Plan and require the monuments, Lehman seconded the motion, all were in favor and motion carried 5 to 0.

♦ **Thompson Airport Plan** – Zimmerman said the Planning Commission gave the Board of Supervisors a letter stating they were unsure what to do with the plan but were not against the plan going forward. Zimmerman read the Township engineer's recommendation to the Board. *"We recommend the plan be resubmitted as a preliminary plan. The applicant would be allowed to construct the runway based on the approved preliminary plan and upon receipt of his Airport License could submit a final development plan. This would allow the applicant to reflect any changes the Bureau of Aviation may require without resubmitting another final plan."* Zimmerman noted there were thirteen other comments from the engineer that need to be addressed.

Dennis Fidler said the Planning Commission asked why it was brought to them and referred to the land development section of the SALDO, and said there are no structures proposed on this land.

DiNicola said the term site plan in the ordinance is not really defined, that is what the Planning Commission was struggling with. DiNicola said if you look at the purpose and intent of the ordinance it may constitute a land development in general. DiNicola said the developer may not know what they have to submit as a site plan.

Bernie Thompson said he has power of attorney and will speak for his son (land developer). Thompson said this has been nothing but a run around and everything in the zoning book was done, the Zoning Officer could have made a decision on it. Thompson said the site plan, the E & S plan and everything was given to Clint Koontz. Thompson said John Stahl on the Planning Commission said they are only moving a little bit of ground around. Thompson said they need a decision if they can put it in and if they can't, they want to know why.

**Thompson Airport Plan, cont.**

DiNicola said we have to look at the ordinances and one of the things the Board of Supervisors needs from the Planning Commission is recommended approval and the Board really doesn't have that. Discussion followed on the site plan, the aerial photographs etc. followed. DiNicola suggested the Board remand it back to the Planning Commission for review to approve or disapprove it. DiNicola said before the Planning Commission meeting he, Fidler and the engineer could meet to take care of some of the outstanding issues.

Aungst said he doesn't feel a land development situation applies here. Zimmerman said anytime dirt is moved for a purpose, technically it is land development. Aungst said he was at the Planning Commission meeting; they all agreed there was no problem with the plan proceeding, but they didn't know what to look at. Aungst said he looked at section 627 of the ordinances when he got home and this does not seem to be a land development situation.

Tobin said she is not going against the advice of the solicitor and discussion continued.

Aungst moved to approve the Thompson Airport plans as submitted, Zimmerman seconded the motion. Aungst and Zimmerman voted in favor of the motion, Tobin, Wise and Lehman opposed the motion, motion was defeated 3 to 2.

Tobin moved to have the solicitor talk with the engineer and pass it back to the Planning Commission, Wise seconded the motion. Tobin, Wise and Lehman voted in favor of the motion. Aungst and Zimmerman opposed the motion, motion carried 3 to 2.

- ♦ **Appointment to Planning Commission** – Tobin moved to appoint Frank Fox to the Planning Commission to complete John Myers' term which expires in January 2010. Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **SALDO Draft Comments** – Several Board members said they had not completed their review of the draft and the Board tabled this item.
- ♦ **Model Stormwater Ordinance** – Bernie Kulkaski said the rest of the county needs to be encouraged to adopt the ordinances for it to benefit the township. Aungst said it was sent to all the municipalities in the county and he has talked to some about it. Zimmerman said the draft documents were received for information purposes and there is no need to act on it at this time.

**Landfill Inspector** – No comments.

**Recreation Board** – Aungst said he has part of the grant application for the restroom complete but would like the Board to hold a special meeting to review the completed grant application. Aungst moved to hold a special meeting on April 21, 2008 at 6 PM to review the grant application. Tobin asked if they could also review the dry fire hydrant grant application at that meeting and Zimmerman said they could also discuss the SALDO Draft comments then too. Zimmerman seconded the motion made by Aungst, all were in favor and motion carried 5 to 0. Tobin moved to approve the Recreation Board's request for \$500 for mulch and butterfly bushes, Lehman seconded the motion; all were in favor and motion carried 5 to 0. Zimmerman asked the members of the press to include in their articles the need for another Recreation Board member.

**Roadmaster** – Roadmaster was not present and there were no comments on his report.

**Zoning Officer** – Zoning Officer was not present. Zimmerman said there were five approved permits for March. Tobin said when the Zoning Officer was interviewed he agreed to have office hours and asked if they can request him to have office hours so people can come in and speak to him. Tobin suggested a block of time one evening and some time during the day. Zimmerman asked if Tobin is making that in a motion. Tobin said she will make a motion requesting the Zoning Officer establish office hours. Wise asked what hours she want him to have and Tobin said she does not want to dictate the hours, only that in the interview he said he was willing to establish office hours, it has been several years since then and the problem is now he is not available for people. Zimmerman said no motion is needed if they are not going to establish the hours and Tobin said she does not want to dictate the hours. The Board agreed to have Wise (Personnel Committee) discuss the request for establishing office hours with Koontz.

## OLD BUSINESS

- ♦ **2008 Road Projects** – The Board reviewed the bid package sheets and Zimmerman said he thought some of the roads were to be alternate bids. Aungst agreed and said the first road to be done was Pine Hill Road (Item 3A and 3B); along with that they were going to do Scenic View. After discussion Zimmerman moved to advertise Pine Hill Road and Scenic View Road as the base bid and Waterfall Road (alt. #1) and Mountain Road (alt. #2) as alternate bids for the 2008 Road Projects. Lehman seconded the motion, all were in favor and motion carried 5 to 0. Zimmerman moved to change the width of Pine Hill Road and Scenic View Road to 19 feet wide on the bid, Wise seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **PennDOT re Bridges** – Aungst said he left messages for Judy King and she hasn't responded so he called Bill Hanley who is going to try to reach her. Aungst said PennDOT took out the stumps and trees in response to our letter to Barone. Tobin said PennDOT took a basic look at the 645 bridge and they are sending a crew out to do a structural review of it.
- ♦ **Pine Grove Township Municipal Authority** – Zimmerman moved to terminate the Pine Grove Township Municipal Authority, Aungst seconded the motion. Zimmerman, Aungst and Wise voted in favor of the motion. Tobin and Lehman opposed the motion, motion carried 3 to 2.
- ♦ **Roadmaster Position** - Tobin moved to promote Ralph Geist to the position of Roadmaster at the current Roadmaster's rate of pay. Aungst seconded the motion. Aungst said it would be for a probationary period of three months as stated in the personnel handbook with the provision he resumes his old job if it doesn't work out. Zimmerman asked if it is defined what the Roadmaster is to do and Aungst said there is a position description in the personnel book. All were in favor of the motion made by Tobin to promote Geist and motion carried 5 to 0.

Discussion was held on hiring someone to replace Geist or to keep only three on the road crew. The need to pursue part time help for snow plowing and some summer help was discussed. The Board agreed to keep the road crew at three and let it up to Geist to let them know if they need more help.
- ♦ **Waste Management Negotiations on Landfill Gas** – DiNicola said it is an on-going matter and he should have something to report to the Board next month.

## NEW BUSINESS

- ♦ **2007 PMRS Excess Interest Allocation** – Ferguson said the Pension Board did not receive the interest allocation decision approved by the Board in November by the deadline and the interest was put in the municipal account instead of being allocated to the member's accounts. Ferguson said she is checking to see if anything can be done to correct the allocation.
- ♦ **Jury Duty Pay** – Ferguson said there is nothing in the personnel handbook on jury duty pay and last year an employee was not paid for jury duty, but in 2004 another employee was paid for jury duty; the employee who took personal time for jury duty is requesting the pay. Tobin asked if someone is currently on jury duty and Ferguson said no. The Board said they have time to make a decision and the item was tabled.

**Emergency Management Funds & Coordinator Pay** – Ferguson said Tim Weaver has been formally recognized now by Governor Rendell as the Township Emergency Management Coordinator and he has already put in a lot of time and mileage this year doing his job, however there is nothing in the budget for paying him or for any supplies he may need. Ferguson said in 2003 when she was the assistant coordinator there was about \$1,500 set aside for supplies, but not used because of storage issues. Discussion was held with Weaver regarding his time, mileage and other expenses this year. Aungst moved to reimburse the Emergency Management Coordinator for mileage at the standard rate for attending training and mileage during emergency situations (imminent or declared). Tobin seconded the motion, all were in favor and motion carried 5 to 0. Zimmerman said they will look into reimbursement for his time. \_\_\_\_\_

## CORRESPONDENCE

- ♦ **Berkheimer Reports** – Ferguson said new reports of businesses reporting the earned income tax were received and if the Board found any changes to be made, she would report it to Berkheimer.
- ♦ **PPL Recycling Compact Fluorescent Light Bulbs** – Ferguson said PPL has offered a recycling kit for the Township for collecting the light bulbs. The Board agreed to get the kits.
- ♦ **Dan Grow Request** – Dan Grow sent a letter requesting the township allow him to be their Alternate Host Municipal Inspector and do one inspection a year in order to keep his Host Municipal Inspector license. Discussion followed if Grow was asking for reimbursement. Lehman said she would contact Grow for more information and the item was tabled until next month.
- ♦ **Safeco Insurance Co, Bond Cancellation for Cellular Tower** – Ferguson said the cancellation notice reason states the tower was never built and the bond is not needed. Ferguson said Koontz verified a permit was issued in 2000 but the tower was not built. Zimmerman moved to approve the cancellation of the bond, Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **SEDCO President Email re Joint Venture Agreement / Roberts Road** – Zimmerman asked the Board if they had any questions on the email, there was no discussion.
- ♦ **North End Fire Dept. Request to use Roberts Road** – Zimmerman moved to approve the request from North End to use Roberts road for training purposes on April 12<sup>th</sup> and 13<sup>th</sup> providing the homes and business have access to their properties. Lehman seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Bridge Inspection Reports** – Zimmerman said reports for the following bridges were received and are available for review: Oak Grove Rd over Mill Creek, Old Forge Rd over Fishing Creek, Swopes Valley Rd.

## PUBLIC COMMENT

- ♦ **Terry Ritzman** said the Board should look into the Keefer road situation and make sure the Zoning Officer is doing his job. **Joyce Leffler** said she has heard complaints that people cannot reach the Zoning Officer and it seems like something is not working right. Zimmerman said the Township pays Koontz to understand the ordinances and he is the one that makes the decisions.
- ♦ **James Deichert** asked the Board if they have established the NIMSCAST password and Aungst said they thought Tim Weaver would do that. Discussion followed on the need for the Emergency Management Coordinator to have an office and computer access.
- ♦ **Tom McMullen** said he can't understand why they are not hiring another man on the road crew. Aungst said they do need another man, but maybe not full time. Zimmerman said he would rather see some of the work subbed out.
- ♦ **Bernie Kulkaski** asked about the Roberts Road item. Zimmerman said the agreement was discussed at last month's meeting. Kulkaski said if they open up the 645 bridge it will increase flooding at his business. Tobin said they were looking at it from a safety and structural standpoint.
- ♦ **Wise** said Ravine had a problem with one of their rescue vehicle's engines and their insurance claim was denied. Wise said they are appealing the decision. Wise said Pijar said if there was any assistance from the Township for fuel because of the prices it would be appreciated.
- ♦ **Aungst** said he is following Senate Bill 1063 (county collection of earned income tax) and we have an opportunity to let Rhoades know how we feel about it. Aungst said the county has GIS mapping available and 30% of the municipalities have signed up to use it and we should stay up to speed with it.
- ♦ **Zimmerman** said 90% of the budget for equipment repairs has been spent and it is only April. The Board asked Ferguson for a detailed print out of the line item.

## ADJOURNMENT

At 9:55 PM Zimmerman moved to adjourn the meeting, Tobin seconded the motion, all were in favor and motion carried 5 to 0.

**Respectfully submitted,**

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**Kathy Ferguson, Secretary / Treasurer**

**Approved by the Board of Supervisors on May 14, 2008.**