

PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
JUNE 14, 2006 MEETING MINUTES
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**CALL TO ORDER** - At 7:00 PM Chairman Larry Zimmerman called the June 14, 2006 meeting to order and opened with the Pledge of Allegiance. Attending were Supervisors Zimmerman, Allen Aungst, and Judith Lehman. Supervisors Herman Clemens and Jerry Wise were absent. Also present were Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Jamie Shiffer, Donald Wenrich, Greg Pijar, Lynn Johnson, Terry Ritzman, Diane Tobin, Robert Crist, Lee Zimmerman, Aimmee Reiter, other residents; list on file.

**PUBLIC COMMENT ON AGENDA ITEMS** – No comments received.

**MINUTES / FINANCIAL ITEMS**

- ♦ **May 10, 2006 Meeting Minutes**

- ♦ **May 24, 2006 Special Meeting Minutes**

Aungst moved to approve the minutes for both meetings, Lehman seconded the motion. All were in favor and motion carried 3 to 0.

- ♦ **Treasurer's Report** - Zimmerman said the General Fund beginning balance was \$182,224.42, the May General Fund receipts were \$64,889.18, May General Fund expenses were \$31,919.19 and the ending balance of the General Fund is \$215,194.41. Zimmerman said the Combined Township Fund ending balance is \$2,440,648.06. Aungst moved to approve the Treasurer's Report, Zimmerman seconded the motion, all were in favor and motion carried 3 to 0.

- ♦ **Approval of Bills** – Lehman asked for an explanation of charges for review of minutes on the invoice from Nestico and questioned if it had anything to do with Jamie Shiffer being hired as the Zoning Hearing Board secretary. Lehman said she feels there may be a problem and would like to identify what is going on until the next meeting. Lehman said she would like to see the Zoning Hearing Board by-laws. Zimmerman said Lehman should ask the Zoning Hearing Board for the by-laws, he and Clemens had spoken to the Zoning Hearing Board before she was hired and he and Aungst were there at the hearing when Jamie started.

Donald Wenrich asked what they were discussing. Lehman said the Board of Supervisors had hired Shiffer as secretary to the Zoning Hearing Board and now the lawyer is charging to review her minutes. Aungst said she sent a copy of the minutes to him.

Lehman asked Shiffer if there was correspondence sent to her from the attorney, Shiffer said yes. Lehman asked what the correspondence was. Shiffer said the attorney directed her who to send the decisions of the Wicks hearing to and he said her minutes were fine.

Lehman said she would like to know until the next meeting what is happening with the Zoning Hearing Board and the secretary the Board of Supervisors hired. Aungst said if she reads their by-laws it would answer the questions. Lehman asked if we have the by-laws on record in the office. Ferguson said we didn't receive any by-laws from the Zoning Hearing Board.

Zimmerman asked for any other comments on the bills. Aungst asked Ferguson if the reason the Paraclete Fund pledge is on the bills list is to put it in a separate account. Ferguson said yes, the Board had not directed her where to open the separate account so she entered a check payable to PLGIT with this month's bills but has not opened the account and is waiting for direction from the Board. Aungst asked if she was opening a separate account and Ferguson said yes.

### Approval of Bills, cont.

Aungst asked why it couldn't be in one of the other accounts and earmarked for that. Ferguson said if we kept the pledge in one of the other accounts, we would go back to trying to allocate interest for the amount and separating it each month.

Aungst said he didn't think the pledge needed to be put into a separate account, only recorded in the minutes. Ferguson said the motion included direction to put the pledge in a separate account and referred to the minutes from May 24<sup>th</sup> the Board approved earlier. After discussion of the issue, Aungst moved to approve paying the bills in the amount of \$14,620.77 (not including the \$1,000.00 check to PLGIT for the Paraclete Fund pledge which is to be held for discussion at the next meeting), Lehman seconded the motion, all were in favor and the motion carried 3 to 0.

### PERSONS TO BE HEARD

- ♦ **Donald Wenrich** said at the April meeting Zimmerman stated if a member from the public wished to make a motion they should give it to a supervisor. Zimmerman said they should talk to a supervisor to have it brought before the board. Wenrich asked when it would be an appropriate time to give this to a supervisor and Zimmerman said before the meeting to be put on the agenda. Wenrich said he tried that and it did not work. Zimmerman asked who he talked to and Wenrich said he talked to Herm but the motion was not brought up. Wenrich said it doesn't give the public any grounds to bring forward a motion and asked why they can't present a motion at the meeting. Zimmerman said the public cannot make motions at the meeting, if that would be the case every member of the township could come to the meeting and make a motion, nothing would ever get done that way. Zimmerman said the reason there are elected supervisors is to represent the people so there isn't the problem of 3,000 people sitting here trying to make motions. Zimmerman said as elected officials they represent the public, they come to us so we can discuss it, and vote on it if deemed necessary. Zimmerman said to Wenrich he has the right to talk to a supervisor and get a supervisor to agree with his opinion or what he wants to present to the Board so the supervisor can bring it before the Board and act upon it. Zimmerman said it would be chaos if the Board had to address motions from every person in the Township. Wenrich said that wouldn't happen because they couldn't all fit in here. Zimmerman said Wenrich was twisting his words and making a joke out of it. Wenrich said it is not a joke; the first amendment of the Constitution gives the public the right to petition the Board. Zimmerman said yes, petition, talk to us or send a letter; but he cannot make a motion. Zimmerman said that was final on the subject and called the next person to be heard.
- ♦ **Greg Pijar** said there was a meeting held with Dean Fernsler from DCED on consolidation of fire department services between the Township and the Borough. Pijar said it was an informational meeting and at this time the companies that are interested are Ravine and North End. Pijar gave more information on the meeting and said they are looking to form a task force to study the consolidation. Pijar asked the Township to approve the project and asked them to appoint a citizen representative for the Township. Aungst asked if they are looking for a Supervisor and a citizen to represent the Township, Pijar said yes. Aungst asked when they need this and Pijar said he will be coordinating the effort and could wait until after the next Township meeting, but doesn't want it to go several months. Zimmerman said they would have a citizen representative for the next meeting. Pijar noted the mention of a donation to the fire company in last month's minutes and asked if the receipts they want are in addition to the yearly financial report. Zimmerman said yes, they are looking for how they spent the donation.

**Persons to be Heard, Greg Pijar, cont.**

Pijar asked if the yearly report says they spent \$10,000 on heating and fuel oil, do they want to see individual receipts. Aungst asked if there wasn't any big item like a truck payment they would be using it for. Pijar said no, they make monthly payments now instead of yearly ones. Aungst said if they want to request the \$10,000, they should list whatever payments come up to \$10,000.

**REPORTS**

**Engineers Report / Planning Commission Report**

- ♦ **Larry & Lois Lehman Sewage Planning Module** – Zimmerman said the Planning Commission had approved the module. Zimmerman moved to approve the Lehman Sewage Planning module, Aungst seconded the motion, all were in favor and motion carried 3 to 0.
- ♦ **Andrew Aungst Lots 1A1 & 1A2** – Lehman questioned if the applicant needs a waiver and Zimmerman said yes for section 5.521. Aungst said he thought they gave the waiver last month. Ferguson said last month only the approval to go directly to final plan was given. Zimmerman moved to approve a waiver for High Time Lane to be used as the access driveway for the Andrew Aungst Lots 1A1 and 1A2, Lehman seconded the motion, all were in favor and motion carried 3 to 0. Aungst moved to approve the Andrew Aungst Lots 1A1 and 1A2 Subdivision Plan, Zimmerman seconded the motion, all were in favor and motion carried 3 to 0.
- ♦ **Varela Sketch Plan of Record** – Lynn Johnson said Koontz had looked at the subdivision and the parties understand if they want to put another house in they would have to go before the Zoning Hearing Board because of the driveway. Lehman asked if we need to have record of that or is it just a gentleman's agreement. Johnson said the parties do have an agreement for the driveway and now it is on their deeds. Zimmerman moved to accept the Varela Sketch Plan of Record, Aungst seconded the motion, all were in favor and motion carried 3 to 0.

**Landfill Inspector** – No comments were received.

**Roadmaster** – Roadmaster was not present and no comments were received.

**Zoning Officer** – The Zoning Officer was not present. Zimmerman said seven permits were approved. Lehman said it was brought to her attention the Zoning Officer denied an application from the Pine Grove Landfill for moving the trailer that back on September 14<sup>th</sup> of 2005 the Board had told Lee Zimmerman he wouldn't need a permit for and had given him permission to move the trailer to the wildlife area, but now it has been denied. DiNicola said there may have been a misunderstanding of some sort and perhaps an application did not need to be filed, someone should research it. Zimmerman said he remembers it and he will talk to Clint about it.

**OLD BUSINESS**

**Replace Emergency Light Units** – Zimmerman said he and Aungst will take care of this in the next two weeks when they come in to do the floors.

**Sale of Road Grader** – Ferguson said the original buyer was notified by certified mail and phone, we have not received any response from him. DiNicola said he feels the contract was breached and the Board could re-sell the grader if they so desire. Aungst moved to accept David Wickes offer of \$2,400 for the 1961 Galion grader, as-is condition. Lehman seconded the motion, all were in favor and motion carried 3 to 0.

## CORRESPONDENCE

**Request from Post Office re Hikes Lane and Hikes Hollow Road** – Ferguson explained the post office needs a letter from the Township to correct an error in their database which incorrectly lists Hikes Lane as a Lake Terrace Drive address and also a letter verifying that Hikes Hollow Road is a valid address in the Township. Ferguson said she has the letter from the 911 addressing center stating Hikes Hollow Road as an address. After discussion, Aungst moved to send the letters to the post office stating Hikes Lane and Hikes Hollow Road are recognized addresses in the Township. Zimmerman seconded the motion, all were in favor and motion carried 3 to 0.

## PUBLIC COMMENT

- ♦ Terry Ritzman asked about the letter that was sent to DEP about the sewage at Swatara Village and Zimmerman said we have not received a response.
- ♦ Diane Tobin provided an update on the Township website stating there were 9,000 hits on the site and said if they have anything they wanted added to the site to let her know. Lehman expressed her appreciation to Tobin for the website.
- ♦ Robert Crist said in regards to the fire department consolidation, he has been at previous meetings and perhaps the major issue is communication between the Board and the fire companies. Crist asked what this issue covers. Zimmerman said there is communication now with regular meetings with the fire companies. Zimmerman said the consolidation they are talking about now is between two fire companies, one of which is in another municipality; since it is crossing municipal lines they must have representatives from the Township and the Borough just to discuss the idea, the consolidation might not happen. Zimmerman said there are no issues with the fire company right now that he is aware of.
- ♦ Aimmee Reiter asked Lehman if verbal approval had been given to the Landfill to move the trailer then the application was denied. Lehman said on September 14, 2005 the Board of Supervisors gave the Landfill permission to move the trailer for educational purposes, then she asked Lee Zimmerman to apply for a permit to have a paper trail and it came back denied. Reiter asked what the trailer is for and Lehman said it is for educational purposes with the wildlife habitat. Lee Zimmerman said Porcupine Pat will be telling them what they need in the trailer so he can bring school children there for education using the grounds around there. After further discussion, Larry Zimmerman said he will check with Koontz about the permit application.
- ♦ Lynn Johnson said the Planning Commission regular scheduled meeting on June 7<sup>th</sup> did not have a quorum and was rescheduled for June 12<sup>th</sup>. Johnson said his question is will their secretary Jamie Shiffer be paid for the meeting since she came and was there for a time. Zimmerman said it was a regular scheduled meeting and she should be paid. Zimmerman moved to pay the Planning Commission members and their secretary Shiffer who attended the scheduled meeting on June 7<sup>th</sup>, Aungst seconded the motion, all were in favor and motion carried 3 to 0.

### ***Supervisor Jerry Wise joined the meeting in progress at 7:58 PM.***

- ♦ Donald Wenrich said when Ferguson asked for her hearing to be public you denied it because it was untimely. Wenrich asked Zimmerman why it was untimely. Zimmerman said he doesn't remember using that word but the public hearing was denied. DiNicola said it was denied for more than being untimely, he thinks the grievances have been resolved and to bring it up at this point in time would be inappropriate. DiNicola said to ask for a further explanation, from a legal standpoint, would be inappropriate because it is a matter that could have potentially led to litigation. Wenrich said her due process was violated. DiNicola said you think so, but I don't think so. Wenrich said the law says so and you are the only attorney I addressed that has a different opinion. Discussion between DiNicola and Wenrich continued.

**PUBLIC COMMENT, cont.**

- ♦ Ferguson said there was information in the correspondence folder from PSATS on the bill to increase the annual maintenance payment for turnback roads from \$2,500 to \$4,000 per mile and they are urging Township officials to contact their senators to support the bill. After discussion, Aungst moved to have Ferguson send a letter to the senators and representatives asking for their support of HB 248, to increase the turnback allowance. Zimmerman seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ Ferguson said there is information on the NIMS training in the correspondence folder and it is getting close to the deadline for training to be completed so the Township will not lose funding in the event of an emergency. Ferguson said she doesn't know if the Township Emergency Management Coordinator is certified and she doesn't think anyone at the Township has had the training; the deadline for certification is September. Ferguson said in the PSATS class she took at the convention it was said they felt almost every employee in the township should have the training. Lehman said she was at the convention training too and agrees someone needs to be certified. Aungst suggested Crystal DeLong or the fire companies may be able to give the training. After discussion the Board agreed to have Lehman contact DeLong to see if she is certified and if she could give the training to others at the Township.
- ♦ Zimmerman said he thinks they should have a meeting on Monday evening before the Township Wednesday meetings for the agenda items so everybody is aware of what is on the agenda and there are no surprises on meeting night. Zimmerman said no decisions will be made; it is just so everybody is familiar with what is going to be happening at the meeting. Lehman asked if they are official meetings, will they be advertised and if it will be every month. Zimmerman said yes every month, they won't need the solicitor, the secretary, the treasurer or anyone there; it is just to go over the agenda items. Lehman asked if the public can be there. Zimmerman said the public can be there, but there is not going to be any discussion back and forth. Lehman said she is not in favor of another meeting. Aungst said they could look over plans instead of making the public sit there while they do that at a regular meeting. Wise said it would keep them more informed. Zimmerman moved to have an agenda meeting at 7 PM on Monday evening before the scheduled Wednesday evening Township meetings, Wise seconded the motion. Zimmerman, Aungst, Wise voted in favor, Lehman opposed the motion; motion carried 3 to 1. Zimmerman said Ferguson should advertise the meetings for the rest of the year.

Wise asked if public comment would be heard at the meeting. Zimmerman said no because there is not going to be any decisions; all that will be discussed is the agenda sheet and whether they need more information to make decisions.
- ♦ Aungst said the Planning Commission was lacking a member and while they received a letter from Mr. Myers saying he would serve until they found somebody, Kurt Wessner did apply in response to the article in the newspaper. Aungst moved to appoint Kurt H. Wessner to the Planning Commission with his term ending January 2007, filling the vacancy left by John Myers. Zimmerman seconded the motion, all were in favor, motion carried 4 to 0.
- ♦ Wise said the road crew reclaimed two or three feet of macadam in the cul-de-sac on Pine Ridge and the residents in the area were very pleased it was taken care of.
- ♦ DiNicola said when Bruce Lauerman was here he mentioned the agreement Nestle has with the Township and reminded the Board they have until the spring of 2008 to use the funds.

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**ADJOURNMENT - At 8:20 PM Zimmerman moved to adjourn the meeting, Lehman seconded the motion, all were in favor, motion carried 4 to 0 and meeting was adjourned.**

Respectfully submitted,  
Kathy Ferguson, Secretary / Treasurer