

PERSONS TO BE HEARD

- ♦ **Dave Smith**, Vice-President of Light-Heigel & Assoc. presented the Board of Supervisors with their 2007 fee schedule that has a slight 3% increase and reported Brian McFeaters is no longer with their company.
- ♦ **Bernard Kulkaski** said on the digital recording issue he wanted to let everyone know we did a test at last month's meeting and Kathy reported it was crystal clear quality and a test is being done again tonight.

With the permission of the Board, Kulkaski brought in a large map showing the relation of the watershed to Schuylkill County. Kulkaski noted how rainfall and development in the area affects Pine Grove Borough and Pine Grove Township. Kulkaski said he commissioned an engineer to do a report on the Swopes Valley watershed and discussed the results with the Board. Kulkaski asked the Township to commit to install culverts for a forty-eight feet wide drainage facility under Roberts Road to direct water to the north side of the road and to restrict development in the watershed until the improvements are made.

Discussion of the map, the cost of the project (estimated at \$100,000 to \$125,000) and SEDCO's involvement followed. Lehman said there is a problem in that area and said she would like to have our engineer to look at it. DiNicola said he feels the Board should entertain a motion to accept or reject Kulkaski's request and possibly a motion to turn it over to their engineer for review. Zimmerman moved to reject Kulkaski's requests as written, Wise seconded the motion. Zimmerman, Wise, Clemens, and Aungst voted in favor of the motion, Lehman opposed the motion, motion carried 4 to 1.*

Zimmerman moved to have the Township engineer review the report and make suggestions to the Board. Motion died for lack of a second. Gerry Heffner said SEDCO would offer their engineer's report also and Zimmerman opened for discussion the SEDCO request item listed under correspondence on the agenda.

** Jan 10, 2007
Lehman
corrected her
vote; she is
in favor of
this motion.

SEDCO Request for Vacation of Miller Drive

Gerry Heffner of SEDCO said they are asking the Township to agree to vacate Miller Road when the project for Solar Innovation is begun.

Donald Wenrich said "*Point of Order*" and asked if it should go to the Planning Commission. DiNicola said it doesn't have to; it is a land use issue and could be referred to the Planning Commission by the Board to get their thoughts, but it is not mandated by the code; vacation of land is within the discretion of the Board. Wenrich said the court rendered a decision that we are going to have a Planning Commission. Zimmerman said the Board of Supervisors gave the Planning Commission authority to make recommendations only; the Board is the only decision making authority. Wenrich continued to speak about the Planning Commission's authority and Zimmerman stated Wenrich was out of order.

Heffner said the vacation of Miller Road would be contingent upon an agreement of sale executed with Solar Innovations.

Kulkaski said he doesn't see why the Township should *give* a public asset like Miller Drive to a private development concern like SEDCO to make it more valuable, what is in it for us. Kulkaski asked Zimmerman if his employer is on the board of SEDCO and Zimmerman said yes; Kulkaski asked Aungst if he is on the board of SEDCO and Aungst said yes. Kulkaski said he thinks the Board should act responsibly by considering the value of it.

Diane Tobin said Miller Drive is used for an emergency heliport, and asked if there is another area available. Zimmerman said he has not talked to the fire companies, but suggested a grassy area on the other side of the park that they could keep mowed. Tobin asked Aungst if he plans to vote on the issue since he is a member of SEDCO, Aungst said no. Tobin also asked if SEDCO is planning on asking for a KOZ or LERTA for the property. Gerry Heffner said LERTA already exists for the industrial park.

SEDCO Request for Vacation of Miller Drive, cont.

DiNicola said the request is to approve in agreement form only to vacate Miller Drive contingent with Solar Innovation developing the property.

Zimmerman moved to agree the Township will execute an agreement with SEDCO to vacate Miller Drive contingent upon Solar Innovations developing the land. Wise seconded the motion. Zimmerman, Wise and Lehman voted in favor, Clemens opposed the motion and Aungst abstained from voting. Motion carried 3 to 1.

REPORTS

Engineers Report / Planning Commission Report

- ♦ **Tom Feeser, Reduction in Letter of Credit** - Mr. Feeser was not present and the Township did not receive anything from the engineer for a reduction in his letter of credit. Zimmerman dismissed the item.
- ♦ **Sweet Arrow Lake Plan Review** - It was noted that Benesch cannot review plans for Sweet Arrow Lake since they are involved in the design of the plans for the County. Aungst moved to appoint Fisher Engineering to serve as the Township Engineer for reviews of the Sweet Arrow Lake plans, Wise seconded the motion, all were in favor and motion carried 5 to 0.

Tobin said for the record, Sweet Arrow Lake plan engineer had called the Joint Treatment Authority for a capacity letter, but has not given them information on the amount of capacity needed to do the capacity certification.

Zimmerman said the Township should forward the letters from Benesch in regards to the Sweet Arrow Lake plans to the Planning Commission and to Fisher Engineering.

Landfill Inspector – Clemens asked if there was news on the gas project, Lehman said no.

Roadmaster – Roadmaster was not present. Zimmerman noted a lot of money was spent on the salt spreader and the next time it needs repairs the Township should consider buying a new one.

Zoning Officer – Zoning Officer was not present; Zimmerman said he reported six approved permits for the month of November.

OLD BUSINESS

- ♦ **Land near Ravine Memorial** - DiNicola said the signed agreement of sale was received and his office will proceed with the title search.

NEW BUSINESS

- ♦ **Adoption of 2007 Budget** - Wenrich said the amount for the Host Municipal Inspector seems high for a twenty hour week and Zimmerman said they budgeted for full time in case the landfill opened. Zimmerman moved to adopt the 2007 budget, Lehman seconded the motion, all were in favor; motion carried 5 to 0.
- ♦ **Three Member Supervisor Board** – Clemens said several residents have asked him why we need to have five supervisors and have expressed a wish to go back to a three member supervisor board. Clemens moved to adopt a Resolution (# 2006-09) to put it on the ballot to return to a three member supervisor board.

Zimmerman said he agrees, the only advantage of a five member board is two supervisors can talk to each other without violating the Sunshine Act.

Three Member Supervisor Board, cont.

Aungst said with a three member board it seems like things get railroaded through and you don't get as much discussion.

Lehman said she likes the idea of a three member board because the Board would have to discuss everything in public at the meetings and Lehman seconded Clemens motion.

Wise said he thinks with more members there is better representation.

Wenrich said "Point of Order".

Zimmerman said there is a motion on the floor and called for the vote. Clemens, Lehman and Zimmerman voted in favor, Aungst and Wise opposed the motion, motion carried 3 to 2.

Wenrich said he has a question and Zimmerman said he can ask it during public comment. Wenrich said when there is a motion on the floor he has a right to enter the discussion.

Zimmerman asked the solicitor to take care of the situation and DiNicola said to rule him out of order and proceed. Zimmerman ruled Wenrich out of order and said when there is a motion on the floor; it is before the Board, not the public. Wenrich disagreed saying the public has the right to voice their opinion on the motion.

PUBLIC COMMENT

- ♦ Larry Hoffman asked if Light-Heigel was the one used for building inspections in the Township and if he contacts them directly with questions. Zimmerman said he contacts them directly and Ferguson said our contact at Light Heigel for the UCC inspections is Dale Sebastian.
- ♦ Bernie Kulkaski said there is a question when documents become public; there is a document he wanted to review. DiNicola said a draft agreement or correspondence is not a public record until acted upon at the meeting, everything is decided on a case by case basis.
- ♦ Zimmerman said the work on four of the five bridges is completed; a landowner will not give them access to the last bridge unless they put riprap along a 200 foot portion of the stream at an estimated cost of \$6,000. Zimmerman said approximately \$53,000 has been spent so far on the bridgework, the next portion will cost about \$35,000 bringing the total about \$15,000 under the original quote. Zimmerman said the Township has to decide if they want to pay for the riprap in order to do the last bridge. Clemens moved to approve going forward with the project, Wise seconded the motion, all were in favor; motion carried 5 to 0.
- ♦ Zimmerman said the Township will need to place a third representative on the Joint Treatment Authority Board in January.
- ♦ Clemens asked DiNicola to give wording to Ferguson for the resolution to send to the election board.
- ♦ Aungst noted he looked at the retention pond mentioned in the minutes and water is coming out of the pipes into the pond. Zimmerman said SEDCO repaired them on the 29th.
- ♦ Wise thanked Bernie Kulkaski for his donation of 20 traffic cones to the fire police.

ADJOURNMENT

At 9:03 PM Zimmerman moved to adjourn the meeting, Lehman seconded the motion, all were in favor, motion carried 5 to 0 and meeting was adjourned.

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Respectfully submitted,

Kathy Ferguson, Secretary / Treasurer

Approved by the Board of Supervisors on January 10, 2007.