

PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
MARCH 10, 2004 MEETING MINUTES



CALL TO ORDER

Chairman Larry Zimmerman called the March 10, 2004 meeting to order at 7 PM. In attendance were Supervisors Diane Tobin, Herm Clemens, Allen Aungst, and Jerry Wise. Also present were Gino DiNicola, Kathy Ferguson, Judith Lehman, John Heinbach, Clinton Koontz, Judith Torrens, Robert Harris, David Frew, Greg Pijar, Donna Chamberlain, John Stahl, Phyllis Hesser and other residents; list on file.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT ON AGENDA ITEMS

- ♦ Judith Torrens, State Food Inspector, commented on "Health Officer" listed on the agenda. Torrens said she inspects and licenses restaurants. Torrens needs to know if the Township is planning on using the Borough Health Officer to issue permits and inspect restaurants. Zimmerman said the Township Health Officer position handles residential complaints and has nothing to do with licensing; the State will continue to issue permits and do all inspections.

MINUTES / FINANCIAL ITEMS

- ♦ **February 11, 2004 Meeting Minutes**
Allen Aungst motioned to approve the minutes, Herman Clemens seconded, all in favor, motion carried 5-0.
- ♦ **Treasurer's Report**
General Fund beginning balance was \$761,103.40 and the ending balance is \$734,628.13. Herm Clemens motioned to approve the Treasurer's Report, Diane Tobin seconded, all in favor, motion carried 5-0.
- ♦ **Approval of Bills**
Tobin made a motion to purchase postage on-line at stamps.com with a Township credit card and return the postage meter. Clemens seconded the motion, motion carried 5-0. Aungst motioned to pay the bills, Zimmerman seconded the motion, motion carried 5-0.

PERSONS TO BE HEARD

- ♦ Robert Harris spoke, representing the Paraclete Foundation which was formed in July of 2003. The goal of the Paraclete Foundation is to build a library in Pine Grove. Harris said the plans include a traditional library, a technology wing and a meeting room. Harris added that when a site is obtained and a plan is in place he will return to the Township to ask for monetary support of the project.
- ♦ David Frew representing Gooseberry Realty Corp. requested a public hearing for an inter-municipal PLCB (liquor) license transfer. DiNicola noted that it is a common practice to transfer liquor licenses from one municipality to another and a public hearing is a required part of the process. Frew said Gooseberry Realty would take care of the advertising requirements. Zimmerman motioned to set the hearing date for April 8th at 7 PM, Clemens seconded, all in favor, motion carried 5-0.

REPORTS

Engineers Report – No report received.

Landfill Inspector's Report – No comments received.

**PINE GROVE TOWNSHIP SUPERVISORS
MARCH 10, 2004 MEETING MINUTES - PAGE 2**

Roadmaster's Report –Tobin reported the Roadmaster's computer needs to be replaced and the price quoted by American Computer is \$899. Zimmerman will look into a less expensive option. Heinbach suggested Pleasant Hill Road, Berger Road and Mexico Road for the road projects this year. Zimmerman said he will put them on the list for the road inspection. Clemens mentioned the pothole at the truck stop referred to in last month's minutes and asked Heinbach if he had contacted the state about it. Tobin asked David Frew if he would help us talk to PennDot about the pothole. Frew replied he would repair it if the state will not.

Zoning Officer Report – Koontz stated he approved six permits and denied 2. Koontz said that he is available to meet with Dane Huntzinger.

Planning Commission –The Howard Lengel minor subdivision was reviewed by the supervisors. Aungst motioned to approve it contingent upon receiving the letter of declaration from DEP and revisions to plan as noted by the Township engineer. Clemens seconded, all in favor, motion carried 5 to 0. The Zimmerman / Borough plan was tabled and the revised plans were sent to the Planning Commission for review. Tobin said the Planning Commission feels the maps are essentially finished and they want to know if they can have legal counsel, the township engineer and some supervisors at the first several meetings to start reviewing the ordinances. Zimmerman said he didn't feel they would need legal counsel at this stage of the work, but he agreed on the need to have the engineer present. Zimmerman motioned to approve the Township engineer being present at the Planning Commission meetings to assist with the implementation of the Comprehensive Plan. Clemens seconded the motion, all in favor and motion carried 5 - 0.

OLD BUSINESS

Health Officer - Tobin said that the Borough has picked their Board of Health members, but have not appointed a Health Officer. Tobin noted the Curtis Hein property on Rte. 443 near Scholl's is very dilapidated and the neighbors have called because the roof is falling in, shingles are blowing off, there are snakes etc. Tobin said the debt against the property is higher than the property value and the Joint Treatment Authority tried to sheriff sale it before. DiNicola will look into this and draft an ordinance if needed to take action on this property.

Pad 12

Tobin read a letter she drafted to send to DEP in support of Pine Grove Landfill's proposed Pad 12 listing some of the monetary benefits from the approval of Pad 12. (A copy of the letter is on file in the Township office.) Tobin also stated Pad 12 would round out the currently exposed slopes of the landfill, prevent long term erosion and other benefits. Tobin concluded by asked the supervisors to support Pad 12.

Aungst said "There is a lot money that flows through the community, but at the same time we talked about a library in the community to keep people here and as the landfill grows it would be a deterrent to keeping the people in the community." Aungst is concerned about the violations at the landfill; he noted the violation the landfill received in December 11, 2003 from DEP for sedimentation impacting the water quality in an unnamed tributary of the Swatara Creek and ponds located off Schultz Road. Aungst said "It is up to DEP and apparently they have problems with the expansion, it has taken them years to evaluate it, obviously they see something that we don't, why would we push them to go ahead and force Pad 12 down the throats of the citizens of this community?" Aungst said "Money isn't everything, we need to be looking elsewhere for industry in the community as compared to bringing garbage into the community and utilizing land and depreciating land values which is a proven fact; we have seen it in the newspapers from the Penn State survey". Aungst said "I say (and we have said it before) that is DEP's decision, why should we enter into it?"

Tobin said "I am looking out for the future; this area does not expand the landfill out beyond its perimeters." Tobin said "The landfill in the last ten years has not deterred people from moving to Pine Grove, I have the proof and I can show it to you; direct from the county - Pine Grove Township has increased."

**PINE GROVE TOWNSHIP SUPERVISORS
MARCH 10, 2004 MEETING MINUTES - PAGE 3**

Tobin added "I am looking out for the future, the exposed slopes are frightening to me, and I have asked a lot of people not associated with the landfill, professionals, I have talked to engineers, and Pad 12 would round out the contour of the landfill." Tobin added "I am going on record that I am looking out for the future; if something happens in this area in the future, because we have erosion and sediment, I have tried to cover the township in that respect."

Wise asked "Why do you feel the Township would be responsible for failure in that area?"

Tobin responded "Because we have to maintain an inspector after post closure and we are responsible to the citizens of the township and I feel this is a responsibility that we can help, round out that area of the landfill."

Clemens said "I agree and DEP does a good dance around the whole business."

Clemens said "DEP is responsible for the landfill coming here in the first place, no one on this board brought the landfill here and there is tons of landfill here; and they keep confusing the issue with expansion, it is not expansion, it is already in the foot print that lies within their domain to use, expansion would be into the other farm." Clemens added "I saw a letter in the newspaper that said don't tell me we don't have taxes, well we don't have taxes in the township, but we do have school taxes." Clemens said "Right now there are no taxes in the township, there are a lot of elderly here and a lot who are intimidated into not speaking and they are having trouble with all the increasing expenses of today." Clemens added "One time at a meeting I asked the question what happens to the employees and where do we go with the garbage when the landfill closes and the answer was there is a landfill ten miles up the road". Clemens said "When I travel 81 all I see is the green, the cover and a few of the gas pipes sticking up, I think the life of the landfill is coming to an end and I agree that it should be rounded out, it would be the proper thing to do and when closure comes that's where it will be."

Aungst said "I disagree, DEP did not put the landfill here, the people of the community and the prior supervisors put it here, and somebody needs to correct it."

Clemens said "They made the decision."

Tobin said "It wasn't them that put it here, they opposed it and it went to court, it was mandated."

Aungst said "I know it went to court, but it was gone too far."

Zimmerman said "They were not told to put it in, they had their backs against the wall, and the township was over \$100,000 in debt. At that point they had their citizens in debt, I think they had it figured out, and they would have had to double or triple the taxes for the next 40 years just to get out of debt. So they unhappily agreed to do it, they were not forced; they were blackmailed to do it."

Tobin said "That is not the story I was told."

Aungst said "If you look at the records, that's it."

Tobin said "I will look at the records."

Zimmerman stated he is not taking any comments from the public; they had other opportunities to voice their opinion. Aungst noted that his original comment months ago on Pad 12 was that the landfill continues to come closer to the stream, Pad 12 does that and he feels it jeopardizes the water supply going into the Swatara Creek. Tobin motioned to support Pine Grove Landfill's proposed Pad 12 and to send the letter in support of Pad 12 to DEP. Clemens seconded the motion. Aungst, Wise and Zimmerman opposed, motion defeated, 2 to 3.

Gas Extraction - Tobin and Wise met with Pine Grove Landfill to discuss gas extraction. Wise reported on the options of gas extraction as explained by the landfill. One option is a "peak plant, on site" which converts gas to usable fuel and generates electricity for use during peak hours; when electricity is not needed they burn the gas off with flares. The second option is a "peak plant, off site" at a manufacturing facility with the same use as above and also the manufacturing facility would use it for powering their facility when it is not being used as a peak plant; the gas must be piped to the location. The third option is a generating plant at a manufacturing facility strictly using the piped fuel and converting it to power their boilers etc. Wise said the estimate given if it was converted into electricity on site and sent to the

**PINE GROVE TOWNSHIP SUPERVISORS
MARCH 10, 2004 MEETING MINUTES - PAGE 4**

community, the wattage generated would be the equivalent of 2500 homes. Lee Zimmerman said there is a peak plant at one of their facilities in Greencastle. Wise said he felt it was a worthwhile project to pursue. Larry Zimmerman asked how long the fuel would last. Wise said there are too many variables. Zimmerman said he thinks it is worth further review and the issue was tabled.

Part Time Office Help - Zimmerman motioned to advertise for part time office help, up to 20 hours per week as needed, Clemens seconded, all in favor, motion carried 5 to 0.

Uniform Construction Code - Aungst said there was a meeting with Pine Grove Borough, Pine Grove Township, Tremont Township and Washington Township. The general feeling was interest in an inter-municipal arrangement for a building inspector, although some want to wait until after the PSATS convention in April to make a decision. Zimmerman said Aungst should let him know if he can't attend the meeting at Wayne Township next week so he can plan to go.

NEW BUSINESS

2004 Road Projects - Zimmerman said Berger Road, Pleasant Hill and Mexico Road are on the list for inspection. A full road inspection is planned for March 21st; anyone who is interested in going along should call Zimmerman.

Zechman Zoning Hearing - Clemens attended a Zoning Hearing Board for the appeal of Mr. Zechman who had a fruit stand which had been there for years. Clemens said the man tried to do the right thing and checked on a building permit, and through no fault of his own got an erroneous answer. Clemens said he was embarrassed at the hearing for several reasons, there were things that came up that he thought were not pertinent to the zoning. Clemens feels Zechman tried to follow the rules and it cost him \$300. Although Clemens doesn't feel the Zoning Officer or the Zoning Hearing Board is wrong, he thinks it is a miscarriage of justice. Clemens moved to approve the refund of \$300 to Mr. Zechman because as far as he knew he was in compliance, motion died for lack of a second. DiNicola asked about the nature of the application, whether a permit was required, etc. Koontz said the fruit stand was put up without a permit and he had to disapprove it because of the setback; Zechman applied to the Zoning Hearing Board for a variance on the setback. Donna Chamberlain from the Zoning Hearing Board suggested the supervisors read the decision from the Zoning Hearing Board which will be made on March 25th. DiNicola suggested reviewing the fee schedule, consider amending it to include a waiver of fees and he recommends the matter be tabled until the Zoning Hearing Board decision can be reviewed by the Board of Supervisors. The matter was tabled.

CORRESPONDENCE

- ♦ Aungst said they should look at the request from the historical society until the next meeting. Tobin said that she had received the request and given a copy to all the supervisors to review and discuss at the next meeting.

PUBLIC COMMENT

- ♦ DiNicola requested a brief executive session for an update on legal matters. He also reported on correspondence he sent about two cell towers in the township (out of 105 in the state) and the issue of whether or not they can be taxed as realty or personal property. DiNicola said that it appears one test case is going to be tried and he will follow up on this. DiNicola also said on the health care issue that there is nothing in the township code to authorize health benefits except to treat employees on a uniform basis and he sees no reason for the Township to discontinue the practice.

**PINE GROVE TOWNSHIP SUPERVISORS
MARCH 10, 2004 MEETING MINUTES - PAGE 5**

- ♦ Tobin reported on her and Wise meeting with the fire companies and discussion of the insurance policy. Tobin said we cover Suedberg but not Ravine. Ravine is turning in an equipment list to Tobin for a quote on the insurance. It was discussed that by increasing the deductible on the equipment it would result in a \$441 premium savings per year. Greg Pijar said that action might eliminate coverage on portable equipment. After discussion it was decided to check into this further before any decisions are made.
- ♦ Zimmerman asked if the Supervisors are interested in purchasing the extended warranties on the new truck, if so, they need to do it by end of March. After discussion it was decided Heinbach should call and check on the details.
- ♦ Zimmerman questioned about tax transfers and if the township is receiving their money. Ferguson confirmed that the Township is receiving realty transfer tax payments from the county on a monthly basis.
- ♦ Zimmerman said he has a problem with the Joint Treatment Authority. In December of 2003 they were constructing the sewer plant and now it is March 10th they are trying to buy a new piece of land. They say they are saving \$3,000,000 by moving the location; between the Authority and the engineers, which should have come out a year ago, not two months after bids were put out to build the plant. Zimmerman said another thing they are doing is running sewer lines to the new location and they still don't own the land. Zimmerman added that he is ready to take legal action. Tobin said being associated with the Authority she knows the problem with dealing with DEP and being on a time line because of the consent order and agreement; they have been discussing with their engineer twice a month on the things from RUS and DEP. Tobin said the Authority board has a common goal to be fiscally responsible and keep the user rates down and they are looking at ways to save money. Tobin said with three regulatory agencies and abiding by all the rules, things come around pretty fast; you rely on professionals and if there is a slip there is a problem. Zimmerman and John Stahl continued with a lengthy discussion on the sewage line from the truck stop, permits from DEP and the engineers. Zimmerman moved to have solicitor see if legal action against the Joint Treatment Authority is possible, motion died for lack of a second. Stahl said there is a meeting tomorrow night interviewing four engineering firms to replace the Authority's current engineer. He also noted the bid for the project had to be out by March or it would have violated the consent order with DEP and any violation is a violation by all three parties. The Authority is going back into planning and permitting phase of the new site (with a savings of \$200,000) and the benefit of having many engineers input on the design through the bid process. Zimmerman said he would like to know what the engineer fees have been on this project to date; because you know they are going to be asking us for more money. Zimmerman added that the Authority has hired a contractor that the Township and the Borough had a problem with and he has a problem with that. Zimmerman asked if there is any legal recourse against the Authority because they are not doing the job they were appointed to do. DiNicola said the Authority is a separate entity and the only recourse without dissolving the Authority is when the time comes for appointing the board members.
- ♦ Phyllis Hesser, Pine Grove Borough Council member said when you have an engineer that does not do their job, it puts you in an awkward position; it is not necessarily the fault of the authority because they had faith in the company.

ADJOURNMENT

At 10:55 PM, Zimmerman said the board would be entering into a brief executive session after the meeting as requested by the solicitor and he moved to adjourn the meeting, Aungst seconded the motion, all in favor, motion carried 5 to 0 and meeting was adjourned.

**Respectfully submitted,
Kathy Ferguson, Secretary / Treasurer**