

PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
MARCH 9, 2005 MEETING MINUTES



CALL TO ORDER

Chairman Larry Zimmerman called the March 9, 2005 meeting to order at 7:10 PM and opened the meeting with the Pledge of Allegiance. Attending were Supervisors Herman Clemens, Allen Aungst, and Jerry Wise. Also present were Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Judith Lehman, Clinton Koontz, Donald Wenrich, Bobbie Milligan, Karen Love, Lillian Patten, Sue Ritzman and other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS – No comments.

MINUTES / FINANCIAL ITEMS

- ♦ **February 9, 2005 Meeting Minutes**
- ♦ **February 23, 2005 Special Meeting Minutes**
Clemens moved to approve the minutes, Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Treasurer's Report** - Ferguson noted changes in the report are due to establishing the Capital Reserve Fund in the new bookkeeping system and the board's decision to move one million dollars into a fixed rate account. Zimmerman said the Combined Fund beginning balance was \$2,131,639.99; February General Fund receipts were \$23,306.55, February General Fund expenses were \$31,989.61 and the ending balance of the General Fund is \$165,555.90. Zimmerman said the Combined Fund balance is \$2,125,587.60. Aungst moved to approve the Treasurer's Report, Wise seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Approval of Bills** - Aungst asked Ferguson about the bill from Platinum Plus for PSATS. Ferguson said it is the fees for the convention for Zimmerman, Tobin, Clemens and herself and also a seminar for her. Zimmerman moved to approve paying the bills; Clemens seconded the motion, all were in favor and motion carried 4 to 0.

PERSONS TO BE HEARD

Mark Tyler, Nextel Phones - Not present.

Dave Ravegum, C.L.E.A.N.'s Upcoming Projects - Zimmerman said Mr. Ravegum was unable to be here and will be on next month's agenda.

REPORTS

Engineers Report - No comments.

Landfill Inspector - Aungst asked about the 4.43 tons of sludge generated. Lehman said that it is in the treatment plant; it is the sediment from the leachate that is pressed into sludge cakes. Clemens asked if she had heard anything on the gas project, Lehman said she had not.

Roadmaster - Roadmaster was not present. Aungst mentioned we have been repairing and replacing a lot of road signs.

Zoning Officer - Zimmerman said there was one permit approved. Koontz said the phone calls were dealing primarily with the situation at Swatara Village which is completely a private matter.

Planning Commission - No comments.

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OLD BUSINESS

Pension Plan - DiNicola has been in contact in with PMRS, they have sent a new agreement and he has advertised the ordinance that the township needs to adopt to change the plan to prohibit future part time employees from participating in the township pension plan. DiNicola noted that existing part time employees currently enrolled in the plan must withdraw by July 1, 2005 if they wish to do so or permanently remain on the plan; also existing part time employees who wish to join the plan must do so before July 1, 2005. Clemens moved to adopt the ordinance to prohibit future part time employees from participating in the township pension plan. Aungst seconded the motion, all were in favor and motion carried 4 to 0. Clemens moved to execute the new PMRS agreement and authorize Zimmerman and Ferguson to sign the agreement on behalf of the board. Aungst seconded the motion, all were in favor and motion carried 4 to 0.

EMS Tax - Zimmerman said they had discussed the tax at a special meeting. DiNicola said there would be a number of people who would be exempt from the tax with an income exemption level. Ferguson said Berkheimer cannot give an estimate of those who would be exempt because the OPT tax was a flat tax and Berkheimer did not collect income figures on the people who paid the tax. Ferguson also said it is not the same people paying the tax as the ones paying the EIT tax where Berkheimer does have the income figures. Clemens said he called the county treasurer's office, the county tax assessor, the local tax collector, he met with the school business manager and he talked to Berkheimer, but answers were hard to find. Clemens said the other thing that is happening is that ambulance services don't get any of this money, but people think EMS stands for Emergency Medical Services, not Emergency Municipal Services and people are not going to subscribe to the ambulance services. Clemens went on to discuss other taxes and the need for reform. Clemens said the only sure thing he found out about this tax is that it applies to people working in the district. Zimmerman said we have not imposed the tax. DiNicola said if they do intend to adopt the tax, they would have to project the revenue from the tax and Zimmerman said it is hard to do that with the information we have. Zimmerman tabled this item.

Right-of-Way Fees - Zimmerman said this was discussed at the special meeting, no decisions were made and it was tabled.

Emergency Management Director - Clemens said he got a call from Crystal DeLong and she is willing to remain the Township Emergency Management Director, she will email the Township secretary tomorrow.

NEW BUSINESS

2005 Road Projects - Ferguson gave copies of the projects that she prepared from the Roadmaster's list and submitted to Joe Kretulskie at PennDOT for review. Zimmerman listed the projects on Berger Road, Laurel Drive, Scenic View Road and Ravine Fire Company parking lot; saying that only Berger Road and Scenic View Road will be paid for by the Township. It was agreed to add a beginning date of June 15th and a completion date of August 15th to the contract. Ferguson asked if they want the contractor to notify the residents of the paving, it was agreed to remove it from the contractor checklist and have the Township road crew notify the residents the week before paving. Clemens asked if they were going to do the parking lot, it is muddy around the recycling bins and when elections are held we need the parking. Zimmerman said it depends on where these numbers come in. Aungst said hopefully they will have the walkway ready for completion this year and they could tie the two together. Zimmerman asked why our men couldn't do

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the parking lot. Clemens asked if they have the equipment. Zimmerman said we have everything but the paver, but they could put the base coat this year and the top coat next year. Clemens asked if they will consider doing the parking lot separately later this year and Zimmerman said yes. Zimmerman moved to advertise the road projects for bids, Clemens seconded the motion, all were in favor and motion carried 4 to 0.

Office Assistant Meeting Pay - Ferguson said that Sallie Deichert was not paid for taking the minutes at a meeting as there are no wages set for the assistant for meeting pay. Zimmerman moved to pay the office assistant \$45 for meeting pay, Aungst seconded the motion, all were in favor and motion carried 4 to 0.

New Sovereign Account Resolution - Ferguson said a corporate authorization resolution with all the supervisors and the treasurer's signatures is needed for the new fixed rate account at Sovereign Bank. Clemens moved to adopt the resolution, Wise seconded the motion; all were in favor and motion carried 4 to 0.

CORRESPONDENCE

- ♦ DiNicola noted he responded to a draft copy of an agreement from Atty. Harry Croswell that is part of the financial security agreement Swatara Creek CLC needs to have in place as a condition of the approval of their plan. DiNicola said no action needs to be taken at this time.

PUBLIC COMMENT

- ♦ DiNicola said there was a records request for copies of Ethics Statement of Financial Interest forms filed by prospective supervisors; he did some research and feels it is clearly a public document.
- ♦ Wise said at last month's meeting they discussed that Ravine Fire Company was not satisfied with the amount of money received from their insurance claims and he agrees they should have gotten more money. Wise said the policy with Stump was written up for actual cash value of portable equipment which includes depreciation of the equipment and there is a big difference between that amount and the replacement value. Wise said to modify the policy, for the portable equipment only, it would cost \$300 to \$500 per year to go with VFIS insurance and upgrade to replacement value. Zimmerman and Bobbie Milligan discussed the portable pumps that were damaged in the flood. Zimmerman said he has a problem understanding why you would take a \$200,000 truck in the flooding water. Milligan said the engine never went in the water, it was only the brush units, they had accidents on 81 and numerous rescues, and they had to go through the water. Aungst asked what the VFIS insurance covers. Milligan said it covers turnout gear, pagers, portable radios, hoses, nozzles, air packs etc. Aungst asked if they had to give the insurance company a list, Milligan said they never did before, but they can give an inventory if needed.

Supervisor Diane Tobin joined the meeting at 8 PM, stating she had been at the County Comprehensive Plan meeting.

Wise reviewed the discussion for Tobin. Zimmerman asked if the vehicles are covered at replacement value. Aungst said yes. DiNicola said there was a reasonable expectation of coverage for these items and they could pursue a claim that more was expected; if it is several thousand dollars, it may be worth pursuing. Wise said Stump suggested coverage for the portable equipment only under VFIS for a difference of no more than \$500 annually. Tobin asked what amount of credit we would get back from the other insurance policy. Aungst said about \$200 according to Stump. Aungst suggested getting a policy written and see what it amounts to before they act on it. Tobin moved to change Suedberg and Ravine Fire Company portable equipment coverage to VFIS, Clemens seconded the motion, all were in favor and motion carried 5 to 0.

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- ♦ Clemens said the Township News magazine is available on CD and he would be willing to forgo his magazine and use the CD occasionally. Zimmerman said they should think about it for the next meeting.
- ♦ Ferguson reported that Dan Grow said we will be getting a 6' by 4' moveable sign on an 8 foot base for our recycling center. Ferguson said we will also be getting another plastics bin, probably in June, and we need to decide at which end of the bins we want it placed and prepare the area.
- ♦ Ferguson presented the Statement of Financial Condition report for DCED to the chairman for his review and signature.
- ♦ Aungst said the fuel tax report for the truck stop is due at the end of the month; Ferguson said she and Sallie will work on that report.
- ♦ Donald Wenrich asked if this body has adopted Roberts Rules of Order to conduct its meetings. Zimmerman said he doesn't remember, no. Wenrich said then there is nothing to discuss as there is no parliamentary procedure to go by. Zimmerman said yes we follow directives from PSATS, we added public comment to the agenda at their direction. Zimmerman said ten years ago they did not have an agenda, since then they have made changes to the agenda items through directives from PSATS, the township association. Aungst said for the most part we use Roberts Rules of Order and Zimmerman agreed. Wenrich said the public doesn't know what rights they have to argue a point. Zimmerman said at the public comment on agenda items and at the public comment time. Zimmerman said technically this is a meeting of the Pine Grove Township Supervisors, not the Supervisors and the public; the public is invited, they have the right to comment and the right to be on the agenda to be heard. Wenrich said that doesn't give the public anything, Zimmerman said every two years you have the right to elect someone. Wenrich said the Sunshine Law recommends governmental bodies go by Roberts Rules of Orders. Zimmerman said we basically follow those rules, but does not remember officially adopting them. Aungst asked if there is a Roberts Rule of Order we are not following. Wenrich said quite a few, but agreed with Tobin who said if we did not adopt them, we are not required to follow them. Wenrich said he brought up a violation of the Sunshine Law at the meeting and when he asked for a legal interpretation, Zimmerman said sue me; he feels the chairman should be under control and had wanted to recommend something to him.
- ♦ Bobbie Milligan said the EMS tax money could be given to EMS organizations like police and fire departments and public safety programs, but most elect not to. Milligan asked if there has been any discussion of the fire company fuel being paid by the Township. Zimmerman said it was discussed at the last meeting and no decision was made.
- ♦ Lillian Patten asked if anyone was keeping tabs on what the Sewage Authority is doing; she heard they are taking the line down the back of the lots instead of the road. Zimmerman said that is where it was designed to go, down the railroad bed, it is two different lines; the forced main is not a line that residents can hook into, it was cheaper to go down the railroad bed. Patten questioned the size of the pipe being used and Zimmerman said in today's technology the size pipe is okay.
- ♦ Karen Love asked if anything will be done to stop Zimmerman's Sawmill from running the chipper until they have built the building to enclose it. Aungst said he isn't sure anything can be done to stop them. Love said if it violates an ordinance you should be able to stop them. Love said Tobin is the only supervisor that came to hear the noise. Tobin asked if Aungst located a meter. Aungst said PIRMA has a meter and said the footers are in for a building to enclose the chipper. Koontz said no building permit was applied for. Aungst said he will make an appointment to check with the noise meter and let the Loves know; Tobin said she would like to know when the appointment is made.

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- ♦ Sue Ritzman asked about the complaint from Swatara Village last month. Koontz said she can read the letter he wrote to them in response. Koontz said it is about kids riding ATV's on property owned by their relatives behind Swatara Village and the noise is bothering the citizens. Koontz said it is private property; it is not a township matter and it is not anything we have an ordinance that would cover it.
- ♦ Tobin said she would appreciate if all of the board members would get notice when there is something going on in the community that the supervisors are invited to. Zimmerman said if she is referring to Pleasant Valley Homes, he was invited but couldn't be there, so he told Ferguson to call Aungst and Clemens because they are the two people not working. Tobin said Ferguson did call her when she couldn't reach Aungst and Clemens, and she went to the plant, but it had been cancelled and no one had left Ferguson or anyone else know it was cancelled. Zimmerman said no one else knew that it was cancelled and Tobin said Aungst knew it was cancelled. Aungst said he got a call from SEDCO saying it was cancelled, his invitation was from SEDCO. Tobin said she tries to let the others know when something is happening and would appreciate if they could let others know what is going on.
- ♦ Tobin said the Joint Treatment Authority meets twice a month, they are public meetings. Tobin said the plans have been years in the making so if there are questions, call the Authority or attend one of their meetings, everything is public.
- ♦ Tobin asked if the Township parking lot was included with the road bids. Tobin said the area in last year's road project was the whole parking area, down in the back where Ravine votes, in front of the garage and down to the pole on the other side of the recycle bins. Tobin moved to include paving the parking lot in the road project advertisement using the specifications from last year and using money from the Capital Reserve Fund to pay for it. Clemens seconded the motion, all were in favor; motion carried 5 to 0.

ADJOURNMENT

At 9:47 PM, Zimmerman moved to adjourn the meeting, Aungst seconded the motion, all in favor, motion carried 5 to 0 and the meeting was adjourned.

Respectfully submitted,

Kathy Ferguson, Secretary / Treasurer

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