

PINE GROVE TOWNSHIP SUPERVISORS  
175 OAK GROVE ROAD, PINE GROVE, PA 17963  
OCTOBER 12, 2005 MEETING MINUTES



**CALL TO ORDER**

Chairman Larry Zimmerman called the October 12, 2005 meeting to order at 7 PM and opened the meeting with the Pledge of Allegiance. Attending were Supervisors Diane Tobin, Allen Aungst and Jerry Wise. Also present were Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Judith Lehman, Donald Wenrich, Ron Aungst, Ed Davis, Lynn Johnson, Lillian Patten, other residents; list on file.

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

**MINUTES / FINANCIAL ITEMS**

- ♦ **September 14, 2005 Meeting Minutes** – Aungst clarified a reference Donald Wenrich made in his statement at last month’s meeting. Aungst said when Wenrich refers in the statement to the agreement they voted on, he is referring to the host fees agreement of September 10, 2003. Aungst moved to approve the minutes, Tobin seconded the motion; all were in favor; motion carried 4 to 0.
- ♦ **Treasurer’s Report** - Zimmerman said the General Fund beginning balance was \$186,759.52, September General Fund receipts were \$96,981.39, September General Fund expenses were \$75,357.26 and the ending balance of the General Fund is \$208,383.65. Zimmerman said the Township Capital Reserves fund ending balance is \$2,009,193.50, the Liquid Fuels Fund ending balance is \$43,118.68 and the Combined Fund ending balance is \$2,260,695.83. Aungst asked Ferguson if next month they should be addressing the portion of the budget for salt, cinders and to take it out of the General Fund and charge it against the Liquid Fuels Funds. Ferguson said it would be better to do it in December with the last bills for the year. Aungst said we have enough bills now to offset the amount we can use out of Liquid Fuels; the \$42,000 that was spent for macadam could be used instead of the small items that were budgeted under Liquid Fuels this calendar year. Ferguson said they may have to amend the budget to do that and after discussion it was agreed to address the matter at the budget meeting next week. Wise moved to approve the Treasurer’s Report, Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Approval of Bills** – Ferguson noted two additional bills were received from PP&L that are due on November 4<sup>th</sup> in the amounts of \$26.80 and \$286.46; she has added them to the list of bills for approval bringing the total to \$57,670.23. Aungst moved to approve paying the bills; Wise seconded the motion, all were in favor and motion carried 4 to 0.

**PERSONS TO BE HEARD**

- ♦ **Ron Aungst , Pine Vista Phase III Final Plans** – Ed Davis from WJP Engineers said Phase III plans were submitted to the Township Planning Commission, the County Planning Commission and Pine Grove Borough; they have received contingent approval from the County upon sewage module approval and the letter of credit being issued. Davis said they are here tonight requesting approval of the plan by the Supervisors and to have the sewage module executed tonight. Ron Aungst said the letter of credit for Phase III is in his office, but has not yet been submitted to the County. Davis said the project will be bonded through the County and the full project will be secured there. Zimmerman noted the Sewage module has been signed by the Sewer Authority and the Township Planning Commission. Zimmerman moved to approve Resolution #2005-08

for the Sewage Module of Pine Vista Estates Phase III, Aungst seconded the motion, Wise voted in favor and Tobin opposed the motion, motion carried 3 to 1.

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**Pine Vista Estates Phase III, continued**

Ferguson noted if they approve the plans it would have to be on a contingent basis. Zimmerman asked contingent upon what and Ferguson said we do not have DEP's approval of the sewage module; the Board just approved the resolution. Zimmerman said that contingent approval is not reflected in the Planning Commission's notes. After a discussion of the recent policy change regarding contingent approvals, the Board tabled the plans until next month's meeting by which DEP approval of the sewage module should be received.

**REPORTS**

**Engineers Report / Planning Commission Report**

- ♦ **Swatara Creek CLC, Reduction of Letter of Credit** – Ferguson said Dave Horst submitted the request today for the reduction in the letter of credit. Solicitor DiNicola said the developer is requesting this based on certain improvements according to the subdivision improvements agreement which were inspected by the engineer who signed off on the reduction of the letter of credit by \$84,000. DiNicola said the Board would need to consider the request to reduce the letter of credit based on the Township engineer's representation that the items have been done. Zimmerman moved to approve a reduction in the letter of credit for the Independent Living parcel in the amount of \$84,480.00, Wise seconded the motion, all were in favor; motion carried 4 to 0.
- ♦ **Dinklocker Minor Subdivision** – Ferguson said the sewage module was previously approved and DEP approval has been received, also revised plans have been submitted and approved by the Planning Commission. Tobin asked if the Planning Commission and the Zoning Officer signed the revised plans. Ferguson said the Planning Commission did and Zimmerman said the Zoning Officer did not sign the plans. Aungst moved to approve the Dinklocker plans, Tobin seconded the motion, all were in favor and the motion carried 4 to 0.
- ♦ **Planning Commission Chairman, Mark Todero Resignation** – Tobin said it is with regret they receive the resignation from Todero, he did a good job working with the Comprehensive Plan. Tobin moved to accept Todero's resignation, Aungst seconded the motion, all were in favor and motion carried 4 to 0. The Board agreed to send a letter to Todero thanking him for the time he spent on the Comprehensive Plan and his dedication in serving on the Planning Commission.
- ♦ **John Myers Appointment** - Zimmerman said that John Myers who is a resident of the Township had completed the application to be appointed to the Planning Commission and noted he is a registered architect. Aungst asked Lynn Johnson (Planning Commission Vice-Chairman) who was present if anyone else had applied to them. Johnson said no; that Todero's resignation had come as a shock to them and he would be missed. Zimmerman moved to appoint John Myers to complete Todero's term effective November 1, 2005 and ending in January of 2007. Tobin seconded the motion, all were in favor and motion carried 4 to 0.

**Landfill Inspector** – No comments.

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**Roadmaster** – Zimmerman said they are using a lot of blacktop and he would like to curtail the use; \$42,000 has been spent this year besides what we spent on our paving project. Zimmerman said we should be holding them back, they are doing a lot of shoulders with the blacktop and he doesn't think we should be doing shoulders with blacktop; we are getting too much run-off instead of the water sinking back into the earth. Zimmerman said he and Allen should talk to John about how to re-do the situation and not put blacktop on the shoulders. Zimmerman suggested the Supervisors take a ride on the Township roads; there are some issues they should take a look at and discuss. Zimmerman said if he looks at the roads then comes here and talks to the Supervisors it sounds like he is just complaining about the way it is being done, he would like the Supervisors to go along and see, so he can point out where he thinks some of the problems are in the way they are doing the roads. Tobin agreed they should do a road inspection. Zimmerman said they should look at some things for next year and look at some of the work they have done this year; he has a few issues with the way things are being done. The Board agreed to advertise a road inspection on Sunday, December 4<sup>th</sup> at 1 PM, meeting in the Township parking lot.

Donald Wenrich asked if it had been left up to the Roadmaster's discretion what was to be done and how it was to be done; Zimmerman said yes. Aungst said yes, except for the work we contract out and Zimmerman said yes the basic repairs and upkeep are left up to the Roadmaster. Wenrich asked if they are going to write a directive for the Roadmaster to follow and Zimmerman said no we are just going to look over things to make sure it is going ok. Aungst said there are some trees that we might see that should be removed, some stop signs that should be replaced. Wenrich said if it was left up to the Roadmasters discretion they should be careful how they approach this. Aungst said they had communication with him before. Tobin said the supervisors are allowed to do a road inspection.

**Zoning Officer** – The Zoning Officer was not present and Zimmerman said two reports were received and eight permits were approved in September.

**OLD BUSINESS**

**Personnel Handbook / Vacation Time** – Ferguson said she wrote the policy as she understands the Township current policy to be, although it is not in the handbook. Aungst said one comment that came up on the two weeks vacation for one to ten years of employment is that a person working eight years would have the same amount of vacation as a person working one year; he suggested changing it to one to five years gets one week vacation, six to ten years gets two weeks vacation and eleven years and over get three weeks vacation. Tobin said she thinks anyone who has been here twenty years should get more than the person who has been here ten years.

Zimmerman asked if they would make it effective with everyone that is here or with people coming in. Ferguson said when she was hired she was told she would have two weeks vacation after working here a year, if they make it effective for people that are here she would not get the two weeks. Aungst said it would have to be grandfathered in and Tobin said it would have to be effective for people hired after this date.

Wise asked if they want to have it five years for one week's vacation, he said it seems awful high; he would rather see it lowered to the third year you would be eligible for two weeks

vacation. Tobin agreed and the Board decided to change it to one to three years would have one week vacation; it was suggested four to ten years should get two weeks vacation. Aungst said there is fourteen paid holidays and Ferguson said she didn't think Aungst was right on the number of holidays. Aungst said ten holidays plus a personal day or two and they earn half sick days; Ferguson said the other time is not counted as a holiday. The Board also agreed that four to ten years would get two weeks vacation; eleven to nineteen years would get three weeks vacation and twenty plus years would get four weeks vacation.

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**Personnel Handbook / Vacation Time, continued**

The Board agreed to have the policy state that if an employee is terminated or resigns and is re-hired by the Township at a later date, previous years of employment are not counted when calculating the amount of vacation due. Tobin said they should include in the paragraph that military deployment would be counted when calculating vacation due and the Board agreed.

A discussion of temporary lay-offs, medical leave and other benefits was followed by a discussion on how to apply the vacation benefits. The board agreed to change the policy to have vacation time applied to new employee's record on the anniversary of the hire date each year instead of the first of each year as it is applied for current employees.

Ferguson will rewrite the policy with the changes and the Board will consider it at next month's meeting.

**NEW BUSINESS**

**Trick or Treat Night** – Zimmerman moved to set the Township Trick or Treat night on Monday, October 31<sup>st</sup> from 6 to 8 PM. Tobin seconded the motion, all were in favor and motion carried 4 to 0.

**Uniformity of Water Rates** – DiNicola said he was requested by Clemens to check into the issue of uniformity of rates by the municipalities that have utilities and gave each Supervisor a memo from him concerning the item. DiNicola said he didn't think it was appropriate to discuss the issue tonight in detail since they had not had a chance to review his memo and Clemens was not present, he said it could be discussed at next months meeting if needed.

**PUBLIC COMMENT**

- ♦ Tobin said last month she said she couldn't attend the County convention, but her meeting has been changed and she now plans to attend, but is not asking for reimbursement.
- ♦ Tobin said she mentioned several months ago about the County recycling grant and the paving we did; with Ferguson's help she did a letter to send to the County about reimbursement for the paving of the area they lease, which is a 50' by 100' section.
- ♦ Wise said he talked with the fire chief from H. H. & L. and asked if there was any correspondence between the two fire chiefs since the meeting, as of today there was none. Wise said he will contact Pijar to see if any action has been taken on the run cards and if not, why not. Aungst said he thought Pijar said they needed 90 days to get back to us. Wise said he will call him and encourage him to have more communication between the chiefs.
- ♦ Aungst asked what the Township does for someone who earns their Eagle Scout Status and Zimmerman said they give him a plaque. Aungst said Michael Fegley; the one who put the gazebo in the Recreation Area has achieved his Eagle Scout status. Tobin said the Scoutmaster usually gives us a letter with the information and we get a plaque from

R & J and do a letter individually signed by the Supervisors. Aungst said Rick Kline put the posts up for the sign.

- ♦ Ferguson said in the correspondence folder there was a request for a letter of support from Simone Jaffe Collins, the landscape architect for Sweet Arrow Lake County Park. Ferguson said they are asking the Board to send a letter of support for the improvements there in order to obtain funds through a grant request to DCNR. The Board discussed sending a letter of support stating improvements to that area would be a plus to the Township with improved recreation. Aungst moved to send a brief letter of support for the project, Tobin seconded the motion; all were in favor and motion carried 4 to 0.

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### **PUBLIC COMMENT, continued**

- ♦ Ferguson said in the correspondence folder there was a request from Germany Township in Adams County who is considering using Spotts, Stevens and McCoy to prepare their zoning ordinance and they would like a reference. Zimmerman said they were the ones who did our original zoning ordinances. Tobin said she would rather not comment on that and it dates back to the problem we had with them and Mazzuca and the crushed storm drain. Zimmerman said we are still using Mazzuca and Tobin said she did not have a vote on that. Tobin said the ordinances were not tailored to our Township. Zimmerman said in fairness to them, the landfill was coming in, the Township needed ordinances now and they came in and said here are ordinances and we adopted them. After a discussion, the Supervisors decided to respond with no comment.
- ♦ Ferguson said we have been out of zoning ordinance books for a long time because when she tried to order them from Spotts, Stevens and McCoy she was told they were archived and we would have to pay extra charges to research them and then print them. Ferguson said she has been telling people that the books are not available and we are in the process of re-doing the books. Ferguson added that we are now also out of the zoning maps and asked the Board if she should try to re-order them. Zimmerman suggested she take the book and map to a copying service for copies. Ferguson asked if it is considered a copyrighted book and DiNicola said it is only being done on interim basis and didn't feel there would be a problem with it. Zimmerman said the copies should be made from the blue book which was codified. Tobin suggested that after the Planning Commission is finished with their comparison and the book gets adopted by the Board, it could be scanned in and put on the website to be viewed. Ferguson said the whole thing should be re-codified and Tobin agreed. Ferguson said putting it in a digital format would be part of the services they offer now, she already looked into that. The Board agreed that would be a good thing.
- ♦ Tobin noted our website has been hit over 5,300 times, mostly for the minutes.
- ♦ Ferguson said she called Randy Stump because she thought we should be getting new vehicle cards for the fire companies since we changed insurance to VFIS and also Ravine needed replacement cards. Stump told her the insurance cards would not be changed because the liability coverage is still under PIRMA. Ferguson said she thought we had changed all coverage for the fire companies to VFIS, but she received the replacement vehicle cards today and the cards have PIRMA on them. Ferguson said she also received a refund today from PIRMA of over \$5,000 for the fire companies' policy and the attached memo from Stump says for "deleting fire trucks and portable equipment from PIRMA policy". Ferguson said she has not deposited the check and wants to be sure we have coverage; she is bringing the matter to the Board for clarification.

Tobin said she understood that we took the fire companies off the PIRMA policy and put it under the VFIS policy and the Board agreed. Zimmerman said if they gave us a refund of \$5,000 then we don't have PIRMA coverage. Tobin said she thought the refund was only to be \$200 or \$300. Aungst said that was only for the small equipment. Tobin said the whole policy change was to be a difference of \$200 to \$300.

Ferguson showed the Board the memo from Stump that came with the refund stating it was for deleting the fire companies from the PIRMA policy and showed the new ID cards with the company listed as PIRMA. Ferguson also pointed out the VFIS policy shows collision coverage, but nothing under the liability coverage and that the fire companies had opportunity to review it.

The Board agreed that Wise would contact Randy Stump about the insurance question and Ferguson provided him with copies of the paperwork.

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- ♦ Donald Wenrich asked if they have considered looking into funds being derived from the wind farms that were talked about. Zimmerman said no, nothing has been presented to the Township yet. Wenrich said we get revenue from the cell phone towers and he doesn't see any difference between the two. Aungst asked if they have to get zoning approval from the Township and Zimmerman said if the land is in the Township they must get zoning approval, it doesn't matter who owns it.
- ♦ Wenrich thanked Wise for his response at last month's meeting on the public water issue and asked him what conversation he had or what made him expect other terms coming from the Borough. Wise said the fact the business people came into our Township meeting and presented the issue to us and how seriously they viewed the need for public water and then they went to the Borough to do the same thing. Wise said he felt because they were so active and vocal, everybody would agree and want to have the issue resolved. Wise said the business people spent a lot of time gathering the information they presented to us and the Borough, he thought we would get some kind of terms both sides would agree on and be happy with. Wenrich asked him if he was unhappy with the line coming down Rt. 443. Wise said the Borough wanted to do an engineer's study on the additional water flow and felt they wouldn't have enough pressure for Cherryville, but he is not an engineer. Wise said he feels it is important to take care of the situation down at the interchange because it is growing all the time, but it all has to work out for the Township and the Borough. Wise said there still is an opportunity and Ferguson had forwarded him an email about grants that are available for economic development. Tobin said the County and the State's definition of economic development is High Ridge.
- ♦ Wenrich said Zimmerman stated after last month's meeting the conditions in the letter from the Borough that the water must come down Rt. 443 and that it be fully funded with grant money were his input to Phyllis Hesser. Zimmerman said no he only said it must come down Rt. 443, not the grant money part; that was hers. Wenrich asked Zimmerman if he was negotiating for the Township and Zimmerman said yes he feels he was. Wenrich said asked if you are negotiating for the Township shouldn't it be done in an open meeting. Zimmerman said it was just Phyllis and him talking, he was not negotiating for the Board; he was just expressing his views. Wenrich said shouldn't his views for the Township be expressed at a meeting and Zimmerman said how could he ever run for office if he had to wait to express his views 'til he got elected. Wenrich said you are not an officer when you are running for office; Zimmerman said right, aren't I allowed an opinion when I am in office. Wenrich said when you are negotiating something for the Township it should be brought up in an open meeting. Zimmerman said he wasn't negotiating for the Township;

he was expressing his view of where the water line should be. Wenrich said when you express your views here at this table it is the same thing, but it requires a majority vote from the Board, but none of these Board members knew you were collaborating with Phyllis Hesser. Zimmerman said he doesn't feel he was collaborating with her, she asked for his opinion and he told her. Wenrich said it really was no surprise to you when you got the letter from the Borough with those conditions and Zimmerman said no, it was no surprise to him at all. Wenrich said it may have been a surprise to some of the other supervisors and Zimmerman said yes that is possible.

- ♦ Wenrich asked Aungst about a question that he was asked at a meeting, saying the question was regarding what the Township can do in relation to getting water. Wenrich said Aungst said he met with representatives from Lebanon. Aungst said no, he said he was in contact with them.

Zimmerman interrupted and asked the solicitor if this should be brought up here, it was politicking, it was his platform. Wenrich said it wasn't his platform; it was a question from a constituent. Zimmerman said the candidates were invited there to give their opinions.

DiNicola said he is not sure what the relevance is to this meeting and what is on the agenda.

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Lillian Patten said she was not at last night's meeting and she does not want to hear it, if she wanted to hear it she would have gone to the meeting; she does not want to hear it.

Wenrich said Aungst gave an answer to a question and he thought it wasn't substantial; he doesn't think this is political speech; he is not campaigning for an office. DiNicola said he thinks it is becoming a political debate. Patten said they should stick to the Township business that happened tonight.

Wenrich said he will bring it up at another meeting and phrase it another way.

#### **ADJOURNMENT**

At 9:20 PM, Tobin moved to adjourn the meeting, Zimmerman seconded the motion and all were in favor; motion carried 4 to 0 and meeting was adjourned.

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**Respectfully submitted,**

**Kathy Ferguson, Secretary / Treasurer**

**Approved by the Board of Supervisors November 9, 2005.**