

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



CALL TO ORDER

Chairman Larry Zimmerman called the November 9, 2005 meeting to order at 7 PM and opened the meeting with the Pledge of Allegiance. Attending were Supervisors Diane Tobin, Allen Aungst, Herm Clemens and Jerry Wise. Also present were Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Judith Lehman, Clinton Koontz, Brett Habecker, Brian McFeaters, Matt Williard, Lee Zimmerman, Donald Wenrich, other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS – No comments.

MINUTES / FINANCIAL ITEMS

- ♦ **October 12, 2005 Meeting Minutes**
- ♦ **October 18, 2005 Budget Meeting Minutes**
Zimmerman moved to approve the minutes, Tobin seconded the motion; all were in favor; motion carried 5 to 0.
- ♦ **Treasurer's Report** - Zimmerman said the General Fund beginning balance was \$208,383.65, October General Fund receipts were \$44,620.24, October General Fund expenses were \$100,549.33 and the ending balance of the General Fund is \$152,454.56. Zimmerman said the Combined Township Fund ending balance is \$2,210,618.41. Clemens moved to approve the Treasurer's Report, Aungst seconded the motion, all were in favor and motion carried 5 to 0. Aungst asked if they will be using the Liquid Fuel money against the expenses that were budgeted for the year and Ferguson said she would have the transactions ready for the December meeting. DiNicola said that it should be done by resolution rather than a motion and he can provide a short resolution to use.
- ♦ **Approval of Bills** – Aungst moved to approve paying the bills totaling \$13,355.06; Wise seconded the motion, all were in favor and motion carried 5 to 0.

PERSONS TO BE HEARD

- ♦ **Brett Habecker, Stanhope Estates** said all the necessary agreements are in place and he is asking the Board to approve the release of the plans. Zimmerman said there were two items that were needed. DiNicola said the subdivision improvements agreement previously authorized by the Board has been signed by the developer and the line of credit has been received from Gratz National Bank. DiNicola said the only other issue as discussed with Ferguson is the outstanding legal and engineering fees that need to be paid before the plans can be released. Ferguson confirmed that DEP approval was received in August, but noted the improvements agreement was not previously approved by the Board. DiNicola asked the Board to entertain a motion to authorize the chairman to execute the subdivision improvement agreements which were prepared by his office. Tobin moved to authorize the chairman to execute the subdivision improvements agreement for Stanhope Estates, Clemens seconded the motion, all were in favor and motion carried 5 to 0. DiNicola said the plans could be released upon payment of the fees and if they are not paid, the agreement provides the fees will be taken out of the line of credit.

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- ♦ **Brian McFeaters and Matt Williard**, two of the Township Sewage Enforcement officers from **Light-Heigel & Assoc.** presented the 2006 Fee Schedule noting there hasn't been any increase in prices. McFeaters said in July DEP began requiring sewage enforcement officers to issue permits for any type of repairs done in the state; that includes putting a riser on a tank for easy access to pump the tank, replacing a sewage effluent pump etc. McFeaters and Williard gave copies of the letter from DEP, copies of a section of the Sewage Facilities Act 537, and copies of DEP regulations governing the Act to the Board. McFeaters said the major components like septic tank replacements, building sewer, delivery pipes, drain fields, distribution boxes are what they now require permits for and they need to be permitted, but this extra permitting is not needed and will be a burden. McFeaters talked about the extra costs involved and the delays in getting jobs done. McFeaters said they have drafted a letter and are asking us to send it to our local legislators outlining the facts that these permits are unnecessary. The Board and DiNicola briefly reviewed the draft letter and DiNicola said he had no objections to the form of the letter. Aungst moved to send the letter to local legislators, Clemens seconded the motion, all were in favor and motion carried 5 to 0. McFeaters asked for questions and comments.

Clemens asked about two new types of systems he saw at the convention in Hershey. McFeaters said the peat filter allows you to put in a box filled with peat moss in place of a sand mound, the company does a maintenance check once a year and they have permitted quite a few, but the downside is the peat moss must be replaced every 8 years. McFeaters said the other new type is a sand filter, but the problem with that is the owner must maintain it and once a month they have to physically rake the sand and it must also be replaced; he recommends the peat filter rather than the sand filter.

Ferguson said applicants for zoning permits need the septic permit information and the Township does not receive the permit information from Light-Heigel until a later date. McFeaters said they can fax a copy of the application and the permit to the Township office. Ferguson said the information would be appreciated.

REPORTS

Engineers Report / Planning Commission Report

- ♦ **Pine Vista Phase III Final Plan** – Ferguson reported that approval for the sewage module had not been received from DEP and Ron Aungst asked to have it tabled until next month. The Board tabled the plans until next month's meeting.
- ♦ **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 progressing with the work and contacted the engineer on November 7th requesting this reduction based on certain improvements according to the subdivision improvements agreement; the engineer did the inspection and signed off on the reduction of the letter of credit by \$31,245.00. Tobin asked if Benesch tested the laterals and Zimmerman said no, they just signed that the work was done. Zimmerman said it is the Sewer Authority who has to test the laterals, the Township engineer wouldn't have anything to do with testing the laterals and DiNicola agreed. Zimmerman said the testing is something they should work out with the Authority. Aungst moved to approve a reduction in the letter of credit for the Comprehensive Living Campus in the amount of \$31,245.00, Clemens seconded the motion, all were in favor and the motion carried 5 to 0.

Landfill Inspector – Tobin said there was a Landfill Advisory Board meeting last month to bring everyone up to speed, Zimmerman said he had another meeting to attend.

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Roadmaster – Tobin said at the County convention she spoke with others and it has been mentioned here before about the road crew wearing fluorescent colors, there is a PennDOT law requiring reflective gear. Tobin showed a sample jacket and suggested purchasing them for the road crew at a cost of about \$500. Zimmerman said most of the road work is done in the summer and they won't wear a jacket in the summer; he suggests T-shirts in green and a vest they can wear over a heavy coat in the winter. Tobin said the sleeves zip out of the coat to make a vest. Clemens said he thinks they should have them. Lehman asked if they would consider getting them for the Landfill Inspector also. Zimmerman said he thinks it is required at the Landfill. Clemens moved to provide vests and T-shirts for the Road Crew and the Landfill Inspector. Wise seconded the motion, all were in favor and motion carried 5 to 0.

Zoning Officer – Zimmerman said there were 14 permits and no complaints. Koontz said he talked with two members of the Sewer Authority board and the documentation he needs for the new plant will be forthcoming and the storage building that was put up near the old plant will be coming down as soon as the new plant is built. Koontz said he has received the documentation for the footbridge at Sweet Arrow Lake and they are aware they need to go through the municipality in the planning process.

Tobin asked if he was certified yet. Koontz said no, he failed the electrical test and has to re-take it. Tobin asked if that is the last step of the process and Koontz said yes. Tobin asked if that is when the board will work on the agreement; Aungst and Zimmerman said yes.

OLD BUSINESS

Personnel Handbook / Vacation Time – Zimmerman asked if the Board has reviewed and is satisfied with the changes to the handbook. Aungst said they should probably take care of this piece and get it resolved. Tobin moved to adopt the new policy for vacation time (printed below) as stated in Ferguson's memo dated October 17, 2005. Clemens seconded the motion, all were in favor and motion carried 5 to 0.

“No vacation time is paid to part time employees. No vacation time is paid during the first year of full time employment. Full time (40 hour per week) employees are eligible for paid vacation as follows after they have completed one year of continuous employment with the Township:

1 - 3 consecutive years of continuous full time employment ...1 weeks (40 hours) paid vacation
4 -10 consecutive years of continuous full time employment .. 2 weeks (80 hours) paid vacation
11-19 consecutive years of continuous full time employment .. 3 weeks (120 hours) paid vacation
20 + consecutive years of continuous full time employment ...4 weeks (160 hours) paid vacation

Part time employees who become full time employees are eligible for paid vacation after they have completed one year of full time continuous employment with the Township, only time worked as a full time employee will be used when calculating the amount of paid vacation due.

If an employee is terminated or resigns, except for military deployment, and is re-hired by the Township at a later date as a full time employee, the employee must complete one year of continuous employment with the Township before they are eligible for paid vacation; previous years of employment with the Township are not counted when calculating the amount of paid vacation due.

Vacation time is available for eligible full time employees on the first year anniversary of their most recent full time hire date and thereafter vacation hours are applied to the employees' records on every anniversary of their most recent full time hire date.”

Clemens asked if it is stated in the personnel manual about wearing the reflective vests. Zimmerman said it's not in the handbook, but thinks they should make it a requirement they wear it especially since they are providing it; Aungst agreed it was a safety issue.

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Personnel Handbook, continued

Ferguson said if we develop safety classes and have a safety officer we can get a reduction in our worker's comp insurance. Aungst said our PIRMA rep said he would come and conduct a safety class. Zimmerman said you must have weekly safety checks; his company recently joined a program. Aungst said we should check with PIRMA and maybe Ferguson could find something on the net on a safety program. Ferguson said she knows PIRMA has a video library available. Zimmerman directed Ferguson to get some information on a safety program if possible for the next meeting.

Fire Company Insurance – Wise said Bobby Milligan called him about the replacement insurance cards Randy Stump issued saying he checked with the state police and a claims adjuster and the cards do not meet the requirements by law; if there was a situation where they had to show the cards, they are too generic and they would be fined. Wise said he has not been able to reach Mr. Stump to discuss the issue with him.

Tobin said Milligan talked to her and the cards do not have the VIN numbers on, it says all vehicles owned by Ravine Fire Company. Zimmerman said that is probably the problem, you need a card for each vehicle. Tobin said she talked to Randy about the VIN numbers and he said he will make a card for each VIN number if we request him to. Wise asked why we have to request it if it is required by law. Zimmerman said he guesses we have to request it.

Wise said Stump did assure him the coverage is there. Tobin said Stump also assured her the coverage is there. Ferguson said she called H. A. Thompson to verify the liability coverage under PIRMA for those vehicles before she cashed the refund check.

Tobin said she still does not understand if we requested all the vehicles to be switched over to VFIS and the liability is the only issue, why we got \$5,000 back if VFIS is supposed to be more expensive. Tobin said Stump was going to get the price for the liability but he said it will take several weeks. Wise said the reason Stump did not switch the liability coverage to VFIS because the cost was higher and it did not have as high a liability coverage amount. Tobin said Stump couldn't tell her the difference and Wise said Stump told him approximately 15% higher.

The Board directed Ferguson to request cards for each vehicle from Stump with VIN numbers.

NEW BUSINESS

Michael Fegley Eagle Scout Award – Ferguson said she needs direction from the Board to prepare the resolution and noted we haven't received a letter confirming his Eagle Scout award but had spoken to Michael's parents who said they will have it for us this coming week. Aungst said the Scouts are having a dedication ceremony for the gazebo on Sunday, December 11th at 2 PM and after discussion the Board agreed to present their plaque to Fegley during that ceremony. Zimmerman moved to adopt Resolution #2005-09 recognizing Michael Fegley as an Eagle Scout in Pine Grove Township. Tobin seconded the motion, all were in favor and motion carried 5 to 0.

Ricky Kline Eagle Scout Project – Aungst said the Board needs to sign a letter stating Kline has completed his project of putting up the sign at the Recreation area and verified that the project is complete. Aungst moved to send a letter to the Boy Scouts indicating that Kline has completed his Eagle Scout project, Tobin seconded the motion, all were in favor and motion carried 5 to 0.

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Sweet Arrow Lake Dry Hydrant Agreement – Aungst said this is the agreement we had before, but it is taking all our responsibility out of it, the County retains ownership of the hydrant and is doing the grant work to get the money to put the hydrant in. Tobin reviewed the agreement and noted it was signed by the fire company but questioned that *“repair of any damages or acts of vandalism to the hydrant will be the responsibility of the landowner and/or fire company”*. Tobin said at what point do they determine who is responsible for repairs and also questioned *“the landowner shall be under no obligation to keep water in the water source”*. Zimmerman said that would mean they don’t have to keep water at the hydrant, they could dredge the lake and take the water down and nobody could sue them because there was no water there. Tobin said the County is saying they will not be held liable, but the fire company and the Township would be held liable if they need water and there is none there. Aungst said the fire company would know there is no water there and go to a different hydrant. Tobin asked how many are out there and Zimmerman said none. Zimmerman said he doesn’t understand how we would be liable. Aungst moved to approve the dry hydrant agreement, Zimmerman seconded the motion, Clemens and Wise voted in favor; Tobin opposed the motion and motion carried 4 to 1.

PUBLIC COMMENT

- ♦ Aungst said in the budget process they talked about implementing the EMS tax and Zimmerman asked if we need to take action on it before the first of the year. DiNicola said if they are implementing the tax now, he recommends doing it for the first of the year and asked what the proposed amount is. Zimmerman asked Ferguson and she said the Board budgeted revenue for a \$52 tax. Clemens asked DiNicola to check on changes to the tax law because he understands there will be amendments modifying it. Zimmerman directed Ferguson to put the EMS tax on next month’s agenda. DiNicola asked the Board to clarify if they want him to advertise an ordinance to adopt the EMS tax at the December meeting. Zimmerman said it is in our budget figures for 2006. DiNicola said he will prepare the advertisement for adoption of the ordinance at either the December or January meeting.
- ♦ DiNicola said all the legal work for Scenic View Road project has been accomplished; the agreements between Nestle Water and the Township as well as the deeds have been recorded.
- ♦ DiNicola said his office received a copy of a real estate tax assessment appeal filed by a property owner in Pine Grove Township challenging their tax assessment at the county level. DiNicola said since it is a single property owner and is not a large amount of land, ordinarily the Township does not get involved and the county will handle the litigation for that tax assessment, the property owner is represented by private counsel.
- ♦ Tobin said she was not at the last budget meeting and asked if there had been a motion to advertise the budget. Zimmerman said yes and it will be advertised in time to approve it at December’s meeting.
- ♦ Tobin noted the letter we received stating there won’t be an environmental hearing for the Landfill because Pine Grove Landfill reached a settlement with DEP. Lee Zimmerman

said the letter summarizes that the Landfill reached a settlement agreement with DEP and DEP will approve the Harms/Benefit analysis and move on to the Technical Review portion of the application. Lee said there won't be expansion past Pad 12 and said the letter also notes what they hope to do for the community in the interim and hopes the benefits will extend beyond that. Aungst asked if the agreement limits the landfill to Pad 12 forevermore and Lee said yes.

- ♦ Clemens said he wanted to thank the election boards for the work they do; Linda Venzl and Rachel Salen are not returning as judge of elections, they have all done a good job over the years. Aungst asked if we should send them a brief note. Tobin suggested the note should be sent to the judge of elections to pass on to the others. Clemens said he would take care of it.

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- ♦ Zimmerman moved to give Suedberg Fire Company a donation of \$10,000, Tobin seconded the motion, all were in favor and motion carried 5 to 0. Ferguson asked if she should issue the check now or with next month's bills, Zimmerman said next month is fine.
- ♦ Donald Wenrich asked Ferguson what the latest is on the taxes that were given to the wrong municipality. Ferguson said she has emailed Jim Bush, our representative from Berkheimer and he said he has people working on it and money for the Township could not be expected before January.
- ♦ Wenrich asked Aungst if he contacted a person in Lebanon concerning the High Bridge water. Aungst said he talked to a person on the telephone for names we might want to contact in the future should the Board decide to do that, all he got was the name of the next person to contact if we wanted to pursue it. Wenrich asked if it was a water authority official and Aungst said yes. Wenrich asked Aungst if he was aware that some preliminary engineer work was done by Spotts, Stevens & McCoy for the Township. Aungst said no, and asked if it was recent. Wenrich said he doesn't know the extent, he only knows some preliminary work was done and depending on what the Township decides it might be of value to look into that. Zimmerman said it wouldn't hurt to call them. Wenrich said it was done around the time when they upgraded the reservoir. Zimmerman said Spotts, Stevens & McCoy were our engineers at that time.
- ♦ Wenrich asked Aungst if he enquired about the property in the township that Boyer deeded to the Borough and Aungst said no, he doesn't know anything about that. Wenrich said it might pay to look into that.

ADJOURNMENT

At 8:30 PM, Zimmerman moved to adjourn the meeting, Tobin seconded the motion and all were in favor; motion carried 5 to 0 and meeting was adjourned.

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Respectfully submitted,

Kathy Ferguson, Secretary / Treasurer

Minutes were approved by the Board of Supervisors on December 14, 2005.

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