

PINE GROVE TOWNSHIP SUPERVISORS  
175 OAK GROVE ROAD, PINE GROVE, PA 17963  
AUGUST 10, 2005 MEETING MINUTES



**CALL TO ORDER**

Chairman Larry Zimmerman called the August 10, 2005 meeting to order at 7 PM and opened the meeting with the Pledge of Allegiance. Attending were Supervisors Diane Tobin, Herman Clemens, Allen Aungst and Jerry Wise. Also present were Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Clinton Koontz, Lee Zimmerman, Wayne Primeau, Dennis Fidler, Terry Ritzman and other residents; list on file.

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

**MINUTES / FINANCIAL ITEMS**

- ♦ **July 13, 2005 Meeting Minutes** - Zimmerman moved to approve the minutes, Clemens seconded the motion; all were in favor and motion carried 5 to 0.
- ♦ **Treasurer's Report** - Zimmerman said the General Fund beginning balance was \$185,170.05, July General Fund receipts were \$25,619.37, July General Fund expenses were \$56,793.10 and the ending balance of the General Fund is \$153,996.32. Zimmerman said the Township Capital Reserves fund ending balance is \$1,996,857.65, the Liquid Fuels Fund ending balance is \$147,453.79 and the Combined Fund ending balance is \$2,298,307.76. Aungst moved to approve the Treasurer's Report, Wise seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Approval of Bills** – Aungst asked Ferguson if the amount of the bill for the Ravine street lights was correct, Ferguson replied yes, the bill was for two months of service. Aungst asked what SWANA was on the bills list; Ferguson replied it is the membership association our Host Municipal Inspector belongs to. Clemens asked if the invoice from Nestico was all for the Zoning Hearing Board and Ferguson said yes. Tobin asked if the transcripts of the hearings were something that should be kept on file. Zimmerman said there would be an extra charge for that. DiNicola said transcripts are not usually ordered unless an appeal is filed and after thirty days it is rendered moot if no appeal is filed. Aungst moved to approve paying the bills; Zimmerman seconded the motion, all were in favor and motion carried 5 to 0.

**REPORTS**

**Engineers / Planning Commission Report**

- ♦ **Pugh Parcel A1** – Zimmerman said the County has reviewed the plan and noted the Planning Commission had approved the plan. Zimmerman moved the landowner is responsible for the erosion and sediment control plans and approved the Pugh Parcel A1 plans. Aungst seconded the motion, all were in favor; motion carried 5 to 0.
- ♦ **Aungst, Shelters, Umbenhauer Sewage Planning Module** – Aungst moved to approve the Sewage Planning Module, Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Dinklocker Sewage Planning Module** – Zimmerman noted the Planning Commission briefly reviewed the module, but tabled it until their September meeting when they receive the plans. Clemens moved to approve the Dinklocker planning module and Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Planning Commission Notice** – Zimmerman said there was a draft copy of the notice to subdivision applicants for the Board to review and comment on. There were no comments and Zimmerman said they had basically approved it last month.

**Landfill Inspector** – No comments.

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**Roadmaster** – Zimmerman said the paving is done and the parking lot looks good. Tobin noted the recycling trailers are here temporarily until the County moves them to another site.

**Zoning Officer** - Koontz said the tractor trailer has been moved off the Seigfried property, but everything else is the same; the next step is to fill out a civil complaint at the magistrate. Zimmerman said this has been on-going for at least two years and the civil suit would put a lien against the property. Tobin suggested Koontz use the township digital camera to take pictures when issuing a Cease and Desist order and again when the time is up. Koontz said he has pictures of the property with the trailer on and he will use the camera. Tobin said if we have pictures from the initial violations and pictures from tomorrow, then we need a picture with another date so we have something to use to make him aware that he needs to continue to make progress. Zimmerman said they will table it for now because Seigfried has taken some action. Tobin said yes, but he needs to be aware that he needs to continue to make progress. Zimmerman asked if a letter should be sent and Koontz said he would contact Seigfried. Koontz also requested approval of hiring the constable to serve a Cease and Desist order to Joe Keating following the letter sent to him in June for the drainage problems on Jeffrey Zimmerman's property that Keating caused by filling in his driveway. Zimmerman asked if this is within our rights and DiNicola said yes. Koontz said the complaint is valid according to our ordinance that says a driveway cannot create a drainage problem on another property. Zimmerman moved to approve having the constable serve a Cease and Desist order to Joe Keating, Tobin seconded the motion, Wise and Aungst voted in favor of the motion, Clemens opposed the motion; motion carried 4 to 1.

## **OLD BUSINESS**

**Public Water** – Zimmerman asked if we have received anything from the Borough. Tobin said no, they have had two meetings since our meeting and they have not made a decision. Tobin noted none of the business people interested in getting public water were in attendance tonight. Aungst said the newspaper said their next meeting is August 18<sup>th</sup>. Zimmerman tabled the item for next month's agenda.

**County Fall Clean Up Schedule** – Zimmerman said he will be at the site on Friday after work and on Saturday. Aungst said he will work Thursday, Clemens said he would work Friday at noon for a few hours; Tobin said she will help on Saturday and Koontz said he would help Thursday. Tobin said the road crew will be helping during the day and they can stagger their hours. Wise said he may be able to help after he finds out his schedule when school starts.

## **NEW BUSINESS**

**Landfill Gas Project** – Tobin said there has not been any new progress and said they got a letter two months ago from Waste Management to review. Lee Zimmerman said they are still trying to figure out the actual site for the facility and where the right-of-way is going to go. Wise suggested tabling the item until more information is received, Zimmerman agreed.

**Employee Dental Insurance** – Ferguson said Capital Blue Cross cancelled our group dental coverage because not enough of our eligible employees participate in the insurance. Ferguson explained that in prior years Blue Cross would allow credit for employees covered by their spouses under other employers in the same type of plan, but Delta Dental will no longer count those employees as participating. Ferguson said the renewal period is due October 1<sup>st</sup> and the last letter states the dental coverage will end September 15, 2005. Aungst said we have to look for other coverage or be our own dental insurer. Ferguson said she would look for other plans for next month's meeting.

**Executive Session on Employee Matters** - Zimmerman said this has to do with the secretary and will be held at the end of the meeting. Zimmerman said the executive session held last month was on the extra week of vacation for John Heinbach. Tobin said she feels

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more information is needed. Zimmerman said between his date of hire in 1995 and the date in 1999 when he became Roadmaster, he was not a full time employee. Aungst said there should be some records of when he worked full time and part time. Zimmerman said an addendum to the personnel handbook is needed and after discussion it was decided to table the item until Ferguson can get more information.

### **CORRESPONDENCE**

**Addressing Center Request** – Ferguson said Blake Buffington from the 911 Addressing Center has requested the Board review an address change requested by Elizabeth Readinger of 250 Keefer Road. Ferguson said the Readingers are using a driveway that connects to Oak Grove Road and want to change their address to Oak Grove Road. Zimmerman asked if they have a driveway permit on Oak Grove Road. Ferguson said Heinbach said the driveway has been in use for a number of years but was not sure if a permit had been issued for it. Tobin said if they are using the driveway connecting to Oak Grove Road, they should have their address as Oak Grove Road and Aungst said the house is closer to Oak Grove Road than to Keefer Road. Zimmerman asked if they intend to close the driveway to Keefer Road; Aungst said he thinks it is a farm road and Koontz said he didn't think it was theirs to close. Clemens moved to approve the request for Elizabeth Readinger to change their address from 250 Keefer Road to an address on Oak Road. Zimmerman seconded the motion, all were in favor and motion carried 5 to 0.

### **PUBLIC COMMENT**

- ♦ Zimmerman said he gave the Board a copy of the letter he wants to send in-house and all agreed to have him sign it and have Ferguson send it.
- ♦ Zimmerman said they received a letter from Pine Grove Hose, Hook and Ladder Fire Company No. 1 and asked if there is a meeting set with the fire companies. Wise said the meeting is set for August 18<sup>th</sup> to address the issue. Zimmerman said he wants to attend the meeting and thinks it should be advertised. Tobin said she would give up her seat so that he could attend. Zimmerman said no, she is on the committee for the fire companies. Zimmerman said he feels he has been lied to for a number of years; he was told that all the fire companies got dispatched for a structure fire. Tobin said they do not. Zimmerman said this issue was brought up years ago and they assured him at a township meeting that all fire companies were called out to a structure fire.

Wise asked if that was the chief at the time and Zimmerman said yes. Zimmerman said apparently chiefs changed and policies were changed without the supervisors being told.

Tobin said she doesn't feel it should be a public meeting. Wayne Primeau said he disagrees 100 percent; he is a township resident and the meeting that Zimmerman has reference to he was nose to nose with the fire chief on the issue. Tobin asked him if he was a member of H. H. & L.; Primeau said he is not.

Aungst asked if we are at a point we need to make a decision from the Township as a directive to the fire company. Wise said he didn't think we are at that point yet, after the meeting he would say yes. Wise said he also doesn't think it should be a public meeting.

Zimmerman said to the solicitor that he is going to the meeting and asked if that is going to make it into a legal thing. DiNicola said it is a concern to him because with three supervisors there you have a quorum and you have to advertise the meeting.

Tobin said this is the first meeting they have finally got all the fire companies together and Aungst said he thinks they should give them the opportunity to get it squared away.

Wise said they should be given the opportunity to work it out within the companies themselves and they requested only those directly involved with the issues of the run cards attend the meeting, specifically the chief and the assistant. Wise said they were trying to maintain the absolute critical people in the meeting. Tobin said the meeting is for discussion purposes, not for personal issues, but for fact finding.

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Tobin said she would relinquish her committee seat to Zimmerman if he wants to go to the meeting. Zimmerman said he doesn't want to interfere with their committee, that's what he is trying to avoid. Tobin said she will relinquish her seat on the committee to Zimmerman from this day forward if he would like it, because if she's not at this meeting she really can't continue that seat. Zimmerman said no, he really doesn't want it.

Zimmerman said if you look back through the official minutes, another supervisor brought this issue up and was voted down, because he was told all companies are called out, so he feels he voted against something back then that he shouldn't have. Zimmerman said this is why he feels he was lied to as a resident and as a Township Supervisor. Wise asked when that was, Zimmerman said around 1998 or 1999. Tobin asked if that is when chiefs changed and Zimmerman said chiefs changed after that. Tobin asked Zimmerman if he asked the question after the chiefs changed and Zimmerman said not at a meeting.

Primeau asked who is responsible for setting the policy of how many go to a fire, is it the Township Supervisors or the individual Fire Chief? Zimmerman said prior boards have left it up to the township appointed chief, because they didn't want to get involved in it.

Zimmerman said at the meeting where they asked the question, they were told if it was a structure fire all four companies were dispatched and they felt that was fine, they don't want to be guardians of the fire company, they want to let them work on their own.

Zimmerman said all that prior boards wanted to know was that all four fire companies were dispatched to structure fires, other than that they left it up to the fire company township chief. Primeau asked if the entire thing rests on the fire chief and Zimmerman said that is correct, he is responsible for setting up the cards, the runs because we feel he is the most qualified. Primeau said he and Zimmerman are particularly vulnerable and Zimmerman said he knows and said this only came up with this letter they received.

Tobin said it first came up from a phone call Aungst received from a member of H. H. & L. and he forwarded it to Wise. Zimmerman said that it was in the last few months and Wise said yes. Primeau said it has been stewing and he has been sat on for almost a year. Zimmerman said as a board, they were not aware that this changed. Zimmerman said if everybody goes to a structure fire, he doesn't see a problem with the fire company, with this situation there is a problem.

Tobin asked Zimmerman if he would like her seat, Zimmerman said no. Tobin asked the other board members if they would like her seat. Zimmerman said he would stay away from that meeting only, so they should get it resolved at that meeting.

Tobin said they can't resolve anything the fire companies won't let them resolve, they have to rely on them to come in and give information, and they are professional people.

Zimmerman said how many go to a structure fire can be resolved at the meeting. Tobin said she and Wise can't tell them to change it. Zimmerman said yes we can, we appoint the Township Fire Chief and he is the one who sets up the runs, we can un-appoint him. Tobin said as individual supervisors they cannot tell him to change it. Zimmerman said they can tell them to resolve it at that meeting. Tobin disagreed and said as individual supervisors they cannot tell them to change the run cards; that is what you are asking us to do.

Primeau said you are in dereliction of your duty if you don't. Tobin said we are in violation of our duty if we do. Zimmerman said they can say "we suggest strongly that you change it". Tobin said we can say "I" suggest strongly, we cannot say "we". Wise said not unless we as the board tonight recommend it. Zimmerman said "Unless tonight we make a motion that they change it or he won't be appointed anymore, that motion I could make tonight, then you would have the right to say you will change it or that man will not be fire chief anymore". Zimmerman said he is trying to let it go and let Wise and Tobin handle it.

Tobin said Zimmerman is saying he wants them to resolve it and they can't resolve it at that meeting. Zimmerman said technically speaking you are 100% right, but he hopes Wise and Tobin would say we strongly recommend that you change it.

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Tobin said she is not speaking for him or Clemens or Aungst at that meeting. Zimmerman asked Tobin if she doesn't agree with him and asked her how she feels about it. Tobin said she doesn't have enough information until they get all the companies together and get the information from them, which is what they have been trying to do. Zimmerman asked her if there is not enough information to decide if all four fire companies should be called to his house for a fire. Tobin said at anyone's house, she is not sure at this point, because there is a lot of liability out there on either side. Zimmerman asked Tobin if she doesn't feel we need four companies there. Tobin said she is not sure yet, she is undecided. Zimmerman said then he will take her seat at the meeting and asked if she is still offering her seat on the committee. Tobin said yes and Zimmerman said that he will take her seat. Tobin said he has the seat from this day forward and Zimmerman said that is alright, he thinks he will only need to go to one meeting. Tobin said they meet with them quarterly, but if he wants to stop meeting with them, that is his decision.

Zimmerman asked Wise how he feels about it and Wise said he agrees that if his house is on fire, he wants everybody there, but the issue for a three company run card is site management. Wise said too many pieces of equipment can be in the way and block the way to the fire. Wise said since they are volunteer fire companies, when a fire occurs, you can't say the three that are going to respond are going to come immediately, it all depends on who is available that time of day. Wise said the issue to him is how long it takes for any of the vehicles to respond. Wise said he has seen houses burn to the ground that he felt should not have burned down, one right next to a fire house. Wise questioned how that could happen and said it is because not enough people are responding to the fire. Zimmerman said he would rather send one back than say only two came because the third one that was supposed to respond didn't have people there and the fourth one is sitting there with six guys but wasn't called out. Wise said his concern is the first response time; it is one of many issues that will be addressed at the meeting.

Zimmerman asked for any other comments about the meeting and Aungst asked if he was speaking for the board at that meeting. Zimmerman said no, he can't. Aungst said he feels for structure fires we need to have all four fire companies respond. Aungst said we only control the township fire companies, our communication has to be with them where they need to go and during the daytime with people working it must be a challenge to get manpower out to fight fires in a prompt manner. Aungst said a lot of people work out of town, so he's sure they are skipping too. Zimmerman said the Township Fire Chief at this time works out of town. Zimmerman then moved on to other public comments.

- ♦ Clemens said we received a letter from Penn DOT that the state will be paving Sweet Arrow Lake Road in 2006 and it should be mentioned if anyone has work to be done on that road. Aungst said he will give Heinbach his copy of the letter so he can make sure we don't have any work to be done on joining roads. Tobin said the letter should be posted on the door and the website. Ferguson noted that she had not received the letter, but Clemens had given her a copy of his letter.
- ♦ Clemens asked if we knew whether the state planned any work on Rt. 443 and Zimmerman said Heinbach could ask them. Clemens said he was asking because at Old Forge Road the water comes on the road and in the winter it gets icy. Clemens said maybe there should be some drainage work done there.
- ♦ DiNicola said with the on-going project on Scenic View Road he prepared a resolution authorizing vacation of the Township portion of the road and he sent a draft agreement to Bruce Lauerma for the dedication of the land to the Township for the road straightening project. Clemens moved to approve executing the resolution authorizing the vacation of the portion of Scenic View Road and execute the proposed agreement to authorize the land transfer with Great Springs Waters of America (Nestle). Tobin seconded the motion, all were in favor and motion carried 5 to 0.

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- ♦ Dennis Fidler asked the Board for five minutes to discuss Stanhope Estates. Fidler said Rob Stermer at DEP discovered on Lot #3 there is a perc hole too close to the utility lines. Fidler requested the Board place the new sheet of plans showing the new perc holes in the old set of plans. Zimmerman said he doesn't have a problem with that. Zimmerman said it is sheet number one of six that will be replaced and Fidler submitted 11 copies of the sheet.
- ♦ DiNicola said as an update to Stanhope Estates; Habecker got the number from our engineer Horst and it was higher than Habecker anticipated but Horst explained the rationale for the figures. DiNicola said his office has sent the agreements out for him to post the letter of credit.
- ♦ Terry Ritzman said he wants all four fire companies to respond if his house is burning. Ritzman asked if the Township will get money from the landfill gas and Tobin said nothing has been negotiated.

**ADJOURNMENT**

At 8:40 PM, Zimmerman moved to adjourn the meeting and enter into an executive session with Ferguson because it involves the secretary in the office and administrative duties, no decisions will be made. Clemens seconded the motion and all were in favor; motion carried 5 to 0 and meeting was adjourned.

**Respectfully submitted,**

**Kathy Ferguson, Secretary / Treasurer**

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**Approved by the Board of Supervisors September 14, 2005**