

PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
MAY 11, 2005 MEETING MINUTES



CALL TO ORDER

Chairman Larry Zimmerman called the May 11, 2005 meeting to order at 7 PM and opened the meeting with the Pledge of Allegiance. Attending were Supervisors Diane Tobin, Herman Clemens and Allen Aungst. Also present were Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Judith Lehman, John Heinbach, Heath Machamer, Bret Habecker, Donald Wenrich, Greg Pijar and other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS – No comments.

MINUTES / FINANCIAL ITEMS

- ♦ **April 13, 2005 Meeting Minutes** - Ferguson noted for the record that at last month's meeting the road project bid amount for EJB Paving was stated as \$187,744.55 and in her review of the bid package she found the correct total amount of their bid was \$183,744.55. Ferguson said their mistake did not affect the bidding process as Pennsy Supply is still the lowest bidder. Tobin moved to approve the minutes, Clemens seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Treasurer's Report** - Ferguson noted the month was printed incorrectly on the financial report but verified the figures were correct. Zimmerman said the General Fund beginning balance was \$126,807.41; April General Fund receipts were \$59,071.37, April General Fund expenses were \$36,435.96 and the ending balance of the General Fund is \$149,442.82. Zimmerman said the Capital Reserves fund ending balance is \$1,962,995.99, the Liquid Fuels Fund ending balance is \$146,804.36 and the Combined Fund ending balance is \$2,259,243.17. Ferguson said the Township received the Liquid Fuels allocation for this year of almost \$140,000.00, the state refund for fuel taxes of \$1,037.28 and also the first quarter franchise fee from Comcast in the amount of \$5,247.04. Ferguson informed the Board they received a check of \$3,058.00 from Integrated Risk Management to settle the claim for the lightning strike to the air conditioning system. Aungst moved to approve the Treasurer's Report, Clemens seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Approval of Bills** - Tobin asked when the contract with Pitney Bowes for the postage meter ends, Ferguson said it ends in 2006. Aungst moved to approve paying the bills totaling \$11,691.08; Tobin seconded the motion, all were in favor; motion carried 4 to 0.

REPORTS

Engineers / Planning Commission Report

- ♦ **Hampton Inn** - Ferguson said she received an email request today at 4 PM from Dave Horst the township engineer to put this on the agenda, she explained the plan was not on tonight's agenda because the Planning Module was submitted to the Planning Commission at their meeting and not to the office, she was not told that it had been submitted. After reviewing the request from the engineer, Zimmerman moved to approve the use of plastic pipe instead of concrete pipe for their stormwater, contingent upon the township engineer's approval, Clemens seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Brandt Sketch Plan of Record** - Zimmerman said the Planning Commission had conditionally approved the plan. Ferguson said revised plans were received and John Mindermann reviewed and signed the revised plan. Zimmerman moved to approve the Brandt plan, Aungst seconded the motion, all were in favor and motion carried 4 to 0.

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- ♦ **North End Fire Company and the Girl's Softball Association** - Heath Machamer asked to speak to the board about a plan from Light-Heigel. With Zimmerman's permission he submitted one copy to the Board and presented a brief description of the plan. Machamer said the Fire Company is planning to subdivide between the ball fields and give part of the land to the Girl's Softball Association. Machamer said one issue to resolve is access to the site, they are approaching Penn Dye to grant them an access easement and that issue they will be looking to the board for direction. Machamer said the plan falls into both the Township and the Borough. Machamer requested the Supervisors consider waiving the submission fees for the subdivision plan that will be submitted in the near future.
- ♦ **Zimmerman Sketch Plan of Record** - After review of the plan, Aungst moved to approve the Zimmerman plan with the note of section 4.1433 that individual lot purchasers will be responsible for the erosion and sediment control plan, as approved by the Planning Commission. Tobin seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Stanhope Estates Planning Module Resolution** - Ferguson said it is not in the Planning Commission minutes, but they did the checklist and signed the worksheet in the module at their May 4th meeting. Zimmerman moved to adopt Resolution # 2005-04 for the Stanhope Estates Sewage Planning Module, Clemens seconded the motion, all were in favor and motion carried 4 to 0. Habecker asked when he can pick up the module to take to DEP, Zimmerman said tomorrow, but Ferguson said she would not be in the next day and would call him next week after she completes it. Habecker said the board will probably require a letter of credit for the roadway and the bank wants to know if it should be set up to require a letter from the Township to release money. Solicitor DiNicola said there should be an improvements agreement to act as collateral as improvements are made, it is usually done by a letter of credit through a local bank. DiNicola will speak to David Horst and call Habecker for bank information on the matter.

Landfill Inspector - No comments.

Roadmaster - Aungst asked if Joe Kretulskie had looked at the bids. Ferguson said we have project approval from PennDot, she reviewed the bids with him and he said to move forward with the road projects. Aungst asked if it was in the bid package that the roads were to be completed before school started and Ferguson said yes. John Heinbach said new lines will need to be painted on Berger Road after paving. Zimmerman suggested renting a sprayer and Aungst said to check with Washington Township or another township to see if they are doing any line painting, maybe we could do ours at the same time.

Zoning Officer - Zoning Officer was not present. Zimmerman said he reported 13 permits and 2 complaints. Zimmerman said Koontz requested the board take action on three items listed on a memo to the Board. Koontz requested approval to send a letter to Keating for the Zimmerman complaint, a cease and desist order to Seigfried and approval to send a letter to Kramer in Pleasant Valley. Zimmerman moved to approve the three items Koontz requested, Aungst seconded the motion, all were in favor and motion carried 4 to 0. Aungst said Koontz has taken all the courses for the codes inspection and he has a test in August on electric and reading plans. Aungst said they should hold a meeting this month with the group to review the inter-municipal agreement and bring it back to the board for approval. Clemens asked if the other municipalities paid for their part and Zimmerman said there was an amount set aside from each of the municipalities for the Uniform Building Code. Ferguson asked who is holding the money; the Township did not pay any money into a fund. Zimmerman said that no one paid any money; they just agreed to pay so many hundred. Zimmerman said no one sent checks because nothing was spent yet, only the training. Ferguson said Pine Grove Township is the only municipality that actually spent any money on the project so far. Zimmerman said yes. Aungst said Washington Township

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paid for a computer and asked where it was. Ferguson said she had not known where the computer had come from, but had the computer set up in Clint's office and connected to the internet as soon as she was told it was for the Zoning Officer.

OLD BUSINESS

EMS Tax - Ferguson said she went to the PSATS class at the convention and they basically covered the things the board had already discussed, but she clarified one point with the teacher of the class and with Berkheimer. Ferguson said the OPT/EMS tax is only on people working in the township, it is not collected on someone living in the Township and working in another municipality. Ferguson said in a previous discussion the Board said they couldn't project the revenue from the EMS tax, but they were confusing the tax with the earned income tax which is collected on people who live in Pine Grove Township no matter where they work. Ferguson added that she had contacted Berkheimer and got a list with the number of employees in Pine Grove Township and a list of employers in Pine Grove Township and Pine Grove Borough. Ferguson said she used a combination of the tax parcel map, the telephone book and the 911 address list to briefly check the listing of employers in Pine Grove Borough and found several that should be listed under the Township; the two trailer plants in Pine Grove Township are listed under the Borough. Ferguson said that Berkheimer would not give her more information on those two listings since they are on the Borough's tax list. Ferguson said she contacted both companies directly and found that Manorwood had reported 186 employees in the first quarter of 2005, but Pine Grove Homes had not yet given her any information. Ferguson said she had found five businesses so far on the Borough's list that belong on the Township list and said the Township is losing revenue. Ferguson said she told Berkheimer that she spotted several employers listed incorrectly and asked if they will reimburse the Township for lost revenue and how many years they would audit; Berkheimer said they would like to limit it to three years, but would review the payments and determine the situation. Ferguson said she did not pursue it further, but is bringing it to the board for action. Aungst said the OPT tax goes back to where the employee lives; Ferguson and Tobin said no, that is the earned income tax. Aungst asked if when he worked in Reading the OPT tax stayed in Reading and Ferguson said yes. Aungst said it did not and Ferguson insisted it did. Ferguson said she checked on this after the board's last discussion on this; she thought perhaps the OPT tax had changed during the years that she lived in another state, but the OPT has always been collected by the municipality where you work and they keep it. Aungst said he thought that is what the big difference was in the change of the tax, that if you work in the Township now you have to pay the Township when before it didn't matter where you worked it came back to the Township. Zimmerman said that is what he thought too and Ferguson said no. Tobin said it is a confusion of the EIT and the OPT. Ferguson said she feels the EIT list should be audited too because she has learned since working here that most people have no idea if they live in the Township or the Borough and it is up to the Township to make sure they are getting the proper tax revenue. Ferguson suggested the Township concentrate on correcting the tax rolls before trying to enact the tax. Clemens said one of the representatives from Berkheimer said they would come here and talk to the board. Ferguson said one employer listed under the Borough said that they had reported to Berkheimer that they were in the Township, but apparently it was not corrected. Tobin asked what it will take to get the two trailer plants and others listed correctly. Ferguson said it will need action from the Township. Ferguson said she wanted direction from the Board how vigorously they want to pursue it, Berkheimer said they could go back three years, but Ferguson said she feels they might want to pursue more because the revenue involved could be rather large amounts. Donald Wenrich said the employers should know if they were in the Township or the Borough, because the Borough

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has property tax and the Township does not. Ferguson said the ordinance states it is the duty of the employers within the township limits. Aungst asked if the monthly statement from Berkheimer has any of this information on. Ferguson said no and added that this should have been audited the first year the tax was enacted and on a regular basis. Ferguson said there are small businesses that are not on the Township list and also some self employed people that are not listed. Zimmerman said he felt the supervisors should go over the list and meet with the representative from Berkheimer and directed Ferguson to set up a meeting and advertise it.

Ravine Fire Company Litigation - DiNicola provided a status report on the claim saying that on April 27, 2005 District Justice Pankake entered judgment against Ravine Fire Company in the amount of \$1,200.00. DiNicola said the original claim from Motter's Collision Center was for approximately \$4,900.00 and Ravine Fire Company has until May 29th to consider an appeal. DiNicola said he cannot account for the judge's rationale but testimony was presented on both sides, the judgment was for substantially less than the claim and did not include costs which are normally awarded to the plaintiff if they are successful on their claim.

Fire Company Portable Equipment and VFIS Vehicle Insurance - Tobin said apparently there was a mix up after the March meeting, the insurance was dropped and Ravine Fire Company was out of portable equipment insurance for six weeks. Tobin said when it was discovered it was put back on the existing policy and Ferguson sent everyone an email. Tobin said that Randy Stump says you can't have two VFIS policies, but VFIS says you can. Tobin said the Township is covering the fire companies' vehicle and portable equipment insurance and because of the problem they had with the PIRMA insurance, she is suggesting they insure both fire companies' vehicles and portable equipment together under one VFIS policy. Tobin said PIRMA does not work fast, Ravine's rescue truck is not repaired yet, but VFIS covers strictly fire equipment so they know the importance of their protection. Tobin moved to have both fire companies' portable equipment and their vehicles insurance covered under one VFIS policy. Aungst asked if Suedberg wants that or if they should be involved in it. Tobin said the township carries their insurance and why would we want to put them through what Ravine has gone through with PIRMA. Clemens seconded the motion. Aungst asked which broker and Tobin said Randy Stump, he handles VFIS, unless he says they can't have two policies because they currently have their building covered under VFIS, then we should go to their other agent. Ferguson said that Stump had told her that a municipality cannot have a policy with VFIS. Aungst said the policy has to go through the fire company and then we would reimburse them for the bill or pay the bill for them. Tobin restated her motion saying she moves to transfer the vehicle and portable fire equipment for both Ravine and Suedberg Fire Company to a VFIS policy through Randy Stump if available or pursue the VFIS coverage through other avenues. Clemens seconded the motion. Zimmerman called for the vote; all were in favor and motion carried 4 to 0.

Swatara CLC Improvements Agreement - DiNicola said he had been working on the agreement for the collateral of the infrastructure with Atty. Harry Crosswell and David Horst; both were satisfied with the agreement. DiNicola said it was his understanding that copies were going to be here tonight and he had it put on the agenda, but there are no copies here to execute. DiNicola said it is up to the board if they want to authorize its execution tonight providing there are no changes from what he saw and approved. Zimmerman moved to authorize the Board of Supervisors to sign the agreement when received after DiNicola's review. Tobin seconded the motion, all were in favor and motion carried 4 to 0.

Amendment to Subdivision and Land Development Fee Schedule - DiNicola said there had been an amendment to the Municipal Planning Code which clarified that townships could be reimbursed for legal fees in review of subdivisions. DiNicola said he has prepared a proposed amendment to the Township Schedule of Fees to collect legal fees in review of plans. DiNicola said this would allow the Township to pass on to the applicant the expense
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of the attorney's fees. Aungst asked how many plans normally require legal review and Ferguson said two current plans have legal fees that can be applied to the applicant. Tobin said it is usually only the larger plans with escrow agreements that need legal review. Zimmerman moved to adopt Resolution #2005-05 to amend the fee schedule for subdivisions. Clemens seconded the motion, all were in favor and motion carried 4 to 0.

Letter to Pine Grove Borough - DiNicola said he sent a letter on May 6, 2005 to the Borough as requested by the Board regarding reimbursement of engineering fees for a subdivision plan with Gerald Zimmerman on which the Borough was the applicant.

NEW BUSINESS

Equipment Bid Opening - Ferguson said the wrong year was advertised for the truck, it was advertised as a 1984 International dump truck and the title it says it is a 1981 International. Zimmerman opened the sealed bids for the equipment advertised in the Township News magazine. Fidler Bros. bid \$3,500.00 for the International truck; Ogle Township bid \$1,005.00 for the Monroe tailgate spreader; Flying Dutchmen Motorcycle Club bid \$5,600.11 for the International truck and \$2,500.11 for the 1961 Galion grader. No bids were received for the root spring scrapers. Zimmerman moved to accept the bid of \$1,005.00 from Ogle Township for the Monroe tailgate spreader. Clemens seconded the motion; all were in favor and motion carried 4 to 0. Zimmerman moved to reject the bids for the truck because of the year discrepancy in the advertisement and reject the bid on the grader because the board felt it has a higher value than the amount offered and to re-advertise the truck, the grader and the root spring scrapers in the Pottsville Republican. Aungst seconded the motion; all were in favor and motion carried 4 to 0.

Solicitor DiNicola left the meeting.

Memorial Day Parade Route Approval for Borough - Tobin moved to approve the Borough's request to use Township roads during the Memorial Day parade on May 30, 2005. Clemens seconded the motion; all were in favor and motion carried 4 to 0.

Office Assistant Review - Tobin suggested this should be addressed in an executive session at the end of the meeting.

Donations - During discussion of the requests for donations, Greg Pijar asked the Board to consider asking the Borough to remove the locks from the fire hydrants at the Industrial Park, stating that the fire company has a key but if there were a bigger fire with other out of town companies involved there would be a problem. Tobin moved to approve the following donations; Clemens seconded the motion, all were in favor and motion carried 4 to 0.

- ♦ Pine Grove Borough - \$1,000 with a letter asking them to remove the locks from the hydrants at the Industrial Park or to respond to the Township.
- ♦ Pine Grove Community Ambulance - \$1,000
- ♦ Ruth Steinert Memorial SPCA - \$200
- ♦ Hillside SPCA - \$200
- ♦ Tremont Public Library - \$200

CORRESPONDENCE - No comments.

PUBLIC COMMENT

- ♦ Tobin said the Paraclete Foundation is requesting a letter in support of the library for their purposes of getting loans or grants; all the supervisors received a copy of the request. Tobin said Washington Township has sent a letter of support. Clemens moved to send a letter supporting the concept of the library to the USDA office in Allentown, Aungst seconded the motion, all were in favor, and motion carried 4 to 0. Clemens will draft a letter for Ferguson to send from the Township office.

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- ♦ Tobin said at the Planning Commission meeting they talked about their revisions to the zoning ordinances. Tobin gave copies of the revised section to each Supervisor to review and noted a copy was given to Ferguson to file in the office.
- ♦ Tobin said the Ravine Fire Company truck payment is due June 1st. Greg Pijar said they were not aware of what their PLGIT balance was and had spoken to Tobin and Wise several times about their need for funds to make the payment. Aungst said there is potentially \$13,000.00 in Ravine's PLGIT account and the Township has budgeted \$10,000.00. Ferguson said she is currently auditing all of the PLGIT accounts because of transactions that were done in combining and then separating the accounts, plus problems with the old bookkeeping system. Ferguson said she has five spreadsheets completed and needs to verify if the payment of \$21,000.00 to Ravine in May of 2004 was actually deducted from their account. Ferguson said the fire companies have never received copies of their PLGIT statements from the Township and that is another reason she is doing an audit; to make sure the number is accurate and then begin sending copies of the statements to the fire companies. Pijar said the truck payment is about \$25,000. Tobin suggested Ravine take \$13,000 from their PLGIT account, the Township give them a donation of \$10,000 that is in the budget and asked if the Fire Company could cover the remaining \$2,000 for the truck payment. Pijar said they could cover that amount. Tobin moved to pay Ravine Fire Company \$13,000 from their PLGIT account and a \$10,000 donation from the Township for their truck payment due June 1st. Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ Aungst said he is taking the two military trailers for sale to Derfler's Auction for sale on Memorial Day and asked if a motion was needed. Ferguson said this was covered in a motion at a previous meeting.
- ♦ Aungst mentioned his concern over an article published and said he did not feel they were letting Ravine Fire Company high and dry and said all the fire companies do a superb job. Aungst said it is the Township's obligation and intent to support the fire company, but he thinks they should have gotten a letter stating what they needed and that is why they were reluctant to supply the money. Greg Pijar thanked the Board for their support tonight and said there have been some recent problems because of information that should have been clarified. Aungst said he wanted to clear up the issue of the lack of coverage on the portable equipment and said he was not the representative to the fire companies nor did he get a quote on the portable equipment although the interchange of mail indicated he did. Aungst said as an interested supervisor he checked to see roughly what it would cost for the portable equipment under VFIS versus what we are paying now and he had asked Randy Stump who said \$300 to \$500; he did not get a quote from him for the insurance. Aungst read from previous month's minutes and the motion Tobin made to change the insurance coverage to VFIS and said he supports doing that but that he thought the VFIS coverage was coming through the Fire Company because they have their building covered through VFIS. Pijar said he was shocked when he called Stump for a claim and found they did not have coverage, the story he got on the change to the insurance did not reflect Aungst in a favorable light. Aungst said that is why he is letting him know what the minutes say and he thinks it was a misinterpretation with VFIS because Stump carries it and the fire company had their coverage with another broker. Aungst said he knew back then that Stump said he couldn't write just the equipment policy because the fire company was dealing with another broker, so that is how it happened. Tobin said there was no discussion on changing just Ravine's coverage and told Aungst in the minutes that he just read it was Ravine and Suedberg. Tobin said everything that we got back from Stump involved Aungst. Tobin said to Aungst that whatever happened, the insurance got dropped for six weeks before we knew about it and she thinks that anything from this point forward should be done through the Township office or the representatives who are working on it with Kathy. Aungst referred to Jerry (Wise) making a comment, but said he is not putting it on Jerry.

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- ♦ Clemens asked if they are going to set a time for the meeting with Berkheimer. Zimmerman said Ferguson will find out when they are available and let him know so he can contact everyone else.
- ♦ Clemens said in regard to the newspaper article that someone should talk to the gentleman from the ambulance company who said that “money was put into the township for the fire companies and they should be able to draw it out without being faced with a hardship”. Clemens said this has never happened since he is on the board; if the money is there, it is their money and if they ask for it, they get it. Clemens said the problem with a printed retraction from the newspaper is the people will still believe what they read the first time. Clemens said the paper printed that Suedberg and Ravine were going to merge and said he had not been in a meeting where that had been seriously discussed.
- ♦ Tobin submitted a listing on the Township website that showed the viewings of pages numbered 3,236 times.
- ♦ Zimmerman asked Ferguson if there is a fee schedule for the sewer authority here, stating there is a letter in the correspondence about the fee schedule and he had been asked about the fee schedule. Ferguson said no, she refers all questions concerning the sewer to the Joint Treatment Authority. Tobin said there has been a new tapping fee along with the new line along Rt. 443, it is in the Joint Treatment Authority’s minutes which the Board always gets a copy of.
- ♦ Ferguson gave copies of spreadsheets to the Board that she designed to track billing of the engineer’s fees to subdivision applicants. Ferguson explained the need for the system she designed saying there were almost as many applications submitted in the first four months of 2005 as there were in the whole year of 2003 or 2004. Ferguson said she started a logbook for all items received for the Planning Commission because of the volume of items coming into the township office. Ferguson reported to the Board that the engineer review fees billing is up to date and she has audited from the beginning of 2003 through the present. Tobin said it is the most comprehensive tracking plan the Township has ever had and Clemens commended Ferguson on the work she did and noted there is a lot of growth in the Township. Tobin asked if there are any outstanding amounts to be collected. Ferguson said the only one that she considers past due is the Borough and that has already been addressed by the solicitor.
- ♦ Ferguson requested the Board schedule a separate meeting in June so she can explain some things about the recent changes she made to the financial spreadsheets, the PLGIT spreadsheets she is working on and the new fiscal reports in QuickBooks. The Board agreed to meet on June 22, 2005 at 7 pm and directed Ferguson to advertise the public meeting at the same time she advertises the meeting with Berkheimer.
- ♦ Ferguson expressed a concern to the Board that items submitted to the Board of Supervisors should also be given to the secretary. Ferguson said she cannot accurately reflect in the minutes what is being discussed if she doesn’t have a copy of what they are looking at and she cannot fill record requests from the public if the items are not submitted to the office.
- ♦ Donald Wenrich asked for clarification on the library vote supporting them for a loan. Clemens said no, it is only to say the township feels the library is a good thing, it is not financially backing the library. Clemens said it is part of the library’s loan application for Federal assistance. Zimmerman said it is supporting the idea of a library in our community, but it is not supporting a tax for a library or he wouldn’t have voted for it.
- ♦ Lillian Patten asked if there was any discussion at all about combining the fire companies. Tobin said during a meeting with the fire companies that she and Wise had discussed it with them upon her inquiry. Tobin said she reported that a merger was discussed when she and Wise briefed the Board at a township meeting about the fire company meeting. Patten asked if it was still being discussed, Tobin said yes. Patten asked why Suedberg

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is so surprised about it. Tobin said Suedberg shouldn't be surprised, two representatives from both fire companies attend the meetings with her and Wise and they are responsible to take the information back to the fire company. Cheryl Brown said Suedberg is well aware of the discussion. Tobin said maybe the people Patten is talking to were not at the Suedberg meeting when it was discussed. Clemens said the headline in the newspaper led people to believe the merger is actually happening. Patten asked why it was not brought up at the township meeting. Tobin said it is still being discussed with the fire companies at their committee meeting. Aungst said it should really be between the fire companies and Tobin said that is where it is right now.

Executive Session - At 9:15 PM Zimmerman adjourned the meeting to go into executive session on employee matters and invited Ferguson into the session. At 9:45 PM the meeting resumed.

Zimmerman moved to allow the part time office assistant to work more than 20 hours average per week. Clemens seconded the motion, all were in favor; motion carried 4 to 0.

Zimmerman moved to increase the office assistant Sallie Deichert's pay to \$8.75 per hour based on her first year review. Clemens seconded the motion, all were in favor and motion carried 4 to 0.

ADJOURNMENT

At 9:53 PM, Zimmerman moved to adjourn the meeting, Tobin seconded the motion, all in favor, motion carried 4 to 0 and the meeting was adjourned.

Respectfully submitted,

Kathy Ferguson, Secretary / Treasurer
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Approved by the Board of Supervisors, June 8, 2005.