

PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
FEBRUARY 21, 2007 MEETING MINUTES

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CALL TO ORDER - At 7:05 PM Chairman Larry Zimmerman called the February 21, 2007 meeting to order with the Pledge of Allegiance. Attending were Supervisors Zimmerman, Jerry Wise, Herman Clemens and Allen Aungst. Supervisor Judith Lehman was absent. Also present were Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, residents Tom Daubert, Bernard Kulkaski, John Stahl, Terry Ritzman, Joan Schwer, Donald Wenrich, other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS - Tom Daubert said he would like to comment on the Sweet Arrow Lake Plan. Bernie Kulkaski said he would like to comment on the Roberts Road item, the digital records and the Fisher Engineering letter.

MINUTES / FINANCIAL ITEMS

- ♦ **January 10, 2007 Meeting Minutes** - Zimmerman discussed Lehman's note in January 10, 2007 minutes regarding the motion in the December 13, 2006 minutes to reject Kulkaski's request to install culverts under Roberts Road and restrict development. Zimmerman said Lehman could not change her vote on the motion; she would have to re-do the whole motion. DiNicola agreed saying it would not be an official action otherwise. Zimmerman said the Board should not have to change anything as it did not affect the outcome of the motion. DiNicola agreed that no further action of the Board was needed. Zimmerman moved to approve the minutes, Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Treasurer's Report** - Zimmerman said the beginning balance of the General Fund was \$356,190.74, January General Fund receipts were \$37,265.05, January General Fund expenses were \$44,923.77; the ending balance of the General Fund is \$348,532.02. Zimmerman said the Combined Township Fund ending balance is \$2,539,812.68. 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** - Clemens moved to approve paying the bills totaling \$128,686.25, Aungst seconded the motion, all were in favor; motion carried 4 to 0.

PERSONS TO BE HEARD

- ♦ **Book Burning - Bernard Kulkaski** defined book burning as intentional destruction of written, intellectual or historical material for religious or political reasons and said it is a matter of practice in Pine Grove Township. Kulkaski said the intentional deletion of digital files or records is a new form of book burning; he is asking that township digital recordings be retained for future reference. Kulkaski asked Zimmerman and the supervisors who agree with him to reconsider their position on destroying the recordings of the meetings and to change the statement about the recording at the top of the agenda.
- ♦ **Storm Water Issues - Bernard Kulkaski** asked if the Board had gotten any response from the County since they sent them the storm water resolution in November. Aungst said we had not received anything from the County. Kulkaski submitted a letter requesting the Board have their solicitor send a letter to DEP asking the state for help in bringing Schuylkill County into compliance with Act 167, including a copy of the Pine Grove Township's storm water resolution and specifically mentioning the Swatara watershed.
Clemens said he agrees with the premise, but would like to check on a few things first. Aungst said he feels they should follow up with the County first and let them know we are going to proceed unless they have some action in place.

Supervisor Judith Lehman joined the meeting in progress at 7:25 PM.

Kulkaski briefly reviewed his comments for Lehman and Zimmerman asked for comments on Kulkaski's remarks. DiNicola said in regards to digital records of township meetings, the Board is meeting the requirements of the law for minutes, the law does not require the meetings be transcribed as court proceedings are.

Kulkaski said he had asked the Board to retain the digital recordings as a matter of public record.

REPORTS

Engineers Report / Planning Commission Report

- ♦ **Sweet Arrow Lake Clubhouse Road Lot Annexation Final Plan** - Tom Daubert, Planning Commission member said the plan should be sent back to the Planning Commission because there was an error on the plan that was discovered when they were signing the plans. Zimmerman said the Planning Commission minutes say the plans were approved if they submitted a revised page 2 of plans which they did and he suggested Daubert talk to the Planning Commission about not giving contingent approval of plans. DiNicola said it was a technical detail. After discussion, Zimmerman moved to approve the Sweet Arrow Lake Clubhouse Road Lot Annexation Final Plan, Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Dennis A. Aungst Sketch Plan of Record** - Aungst moved to approve the Sketch Plan of Record, Clemens seconded the motion, all were in favor and motion carried 5 to 0.

Landfill Inspector – Clemens asked if there was news on the landfill, Lehman said if the permit is given by March or April they will start filling in the Fall.

Roadmaster – Roadmaster was not present. Zimmerman said he received compliments on the road crew's work during the last storm. Lehman complimented the road crew on their work saying it was excellent, Clemens agreed.

Zoning Officer – Zoning Officer was not present. Zimmerman said there were four permits approved for January. Clemens asked if the complaints listed are recorded somewhere. Zimmerman said yes he thinks so and asked Ferguson. Ferguson said no. Lehman asked if the Zoning Officer keeps the records since he has listed the permits, phone calls and complaints. Aungst said the Zoning Officer has the records and Ferguson said the office only has copies of the permits.

OLD BUSINESS

- ♦ **Roberts Road Engineer Report** - Kulkaski asked if they had information back from the engineer and Zimmerman said the engineer is sending an estimate of the fees to do the study so the Board can decide how much they want to do. Kulkaski said he thought they were going to review the report he submitted; verifying the accuracy of his report shouldn't cost much or take long, to him it seems like a stall tactic. Zimmerman said engineers normally do their own report and we should have received the estimate for tonight's meeting.
- ♦ **Investment Account** - Aungst reported on the fixed term rates he received from PLGIT, Sovereign Bank and Lebanon Valley Bank. Aungst said Sovereign will only offer fixed rates on government investment accounts for ninety days. His recommendation was to move the investment accounts from Sovereign Bank to PLGIT at a fixed term rate of 5.19% until December 21, 2007.

Investment Account, cont.

Lehman questioned where the funds were coming from for the \$91,000 bill for cleaning the streams and Clemens asked if any of the money would be recouped; this discussion was tabled until later. After more discussion on the investment account, Zimmerman moved to transfer the investment accounts from Sovereign Bank to a PLGIT fixed rate term account, Wise seconded the motion, all were in favor and motion carried 5 to 0.

Zimmerman said the \$91,000 for the streams clean up was discussed last year and it would be taken out of the left over from last years budget. Aungst said the budget will not be short. Ferguson said it will show as a shortage because it wasn't calculated in the budget expenses for this year; however there is enough money in the bank account to cover the expense. Ferguson said \$200,000 in the General Fund account was moved from Capital Reserves to the account four years ago when they started using Lebanon Valley Farmers Bank as the depository for revenue and for General Fund checking.

Discussion was held on reimbursement for the \$91,000. Aungst said PennDOT is responsible for cleaning the streams and last week he met with Bill Hanley and talked with Joe Rupe from the Emergency Management Agency in Harrisburg. Aungst said Hanley is setting up a meeting with the Department of Transportation. More discussion followed on the meetings held and PennDOT's responsibility.

- ♦ **Digital Voice Records** - The Board agreed to use the digital voice recorder for several months and then discuss the issue of the digital record of the meetings.

NEW BUSINESS

- ♦ **Approve 2007 Survey of Financial Condition Report** - The Supervisors reviewed the report. Aungst moved to approve the report, Lehman seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **2007 Road Projects** - Zimmerman asked about the escrow agreement for Pine Hill Road and Ferguson said the agreement specifies five years from the date of the agreement which was December 10, 2003. Zimmerman said they can do Pine Hill Road next year and recommended they do Camp and Stanhope Roads this year.
John Stahl asked if the Joint Treatment Authority could include paving their parking lot with our advertisement. The Board agreed and Zimmerman said to let the Roadmaster know so he can have Joe Kretulskie from PennDOT look at their parking lot when they prepare the bid.
Zimmerman moved to advertise for bids for paving Camp Road, Stanhope Road, and the Joint Treatment Authority parking lot (parking lot paving to be paid by the Joint Treatment Authority). Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Part Time Employee Request to Join Credit Union** - Zimmerman move to allow part time employees to join the credit union, Aungst seconded the motion, all were in favor and motion carried 5 to 0.

CORRESPONDENCE

- ♦ **County Solicitor Letter regarding Ballot Question on Number of Supervisors** - DiNicola said the letter was in response to the resolution sent to the County Board of Elections. DiNicola said they are saying it will be placed on the general election ballot in November, not in the primary election. Clemens moved to send a letter to the Election Bureau confirming the Supervisors want the question of returning to three supervisors on the November ballot, Lehman seconded the motion. Clemens, Lehman and Zimmerman voted in favor of the motion. Aungst and Wise opposed the motion, motion carried 3 to 2.

- ♦ **PennDOT Letter regarding Reimbursement of Liquid Fuels Money** - Aungst moved to transfer \$10,375.73 from the General Fund to reimburse the Liquid Fuel Fund. Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Donna Chamberlain's Resignation from the Zoning Hearing Board** - Clemens moved to accept Chamberlain's resignation, Aungst seconded the motion, all were in favor and motion carried 5 to 0. Discussion was held on appointing a replacement. Lehman moved to appoint Zoning Hearing Board alternate Dan Bode to complete Chamberlain's term expiring January 2008. Clemens seconded the motion, all were in favor and motion carried 5 to 0. Aungst moved to post the Zoning Hearing Board alternate position left vacant by Bode as open, Clemens seconded the motion, all were in favor; motion carried 5 to 0.
- ♦ **Fisher Engineering's Letter on their Position on Storm Water Issues** - Zimmerman read part of Fisher Engineering's letter stating their position on storm water management. It was noted Benesch had not replied to the Township's request to state their position on storm water issues.

Kulkaski asked the Board to consider giving the draft storm water ordinances he submitted last meeting to their solicitor and engineer for review. Kulkaski said minimal progress has been made for storm water mitigation in the months since the June flooding. Clemens moved to send copies of the draft storm water ordinances to the Township's solicitor and engineer for their review and comments. Lehman seconded the motion. Clemens, Lehman, Aungst, and Wise were in favor of the motion, Zimmerman opposed the motion, motion carried 4 to 1.
- ♦ **UCC Inter-Municipal Agreement** - Zimmerman asked Aungst if he saw the item on the UCC codes from Phyllis, Aungst said yes, but didn't think they needed to act on it until they meet with the other municipalities. Discussion followed on the UCC committee meeting held and the draft of the mutual agreement resolution.

Aungst said the inter-municipal agreement is where the Board decided on using Light-Heigel for the UCC code inspections. Zimmerman said to put a resolution for an inter-municipal agreement for UCC inspections on next month's agenda.

John Stahl said he thought Clint is in the process of training to be the inspector. Zimmerman said yes, but we have not yet approved a resolution for the joint venture between the Borough, Tremont Township and Washington Township. Zimmerman said technically we are using the same engineer to inspect the buildings, that could change when we are all together as a group. Lehman asked about billing and what happens when Clint takes over. Aungst said the resolution has nothing to do with Clint. Zimmerman said the resolution is just to say we are going to be a group, then it will be decided how it will work.

PUBLIC COMMENT

- ♦ **Terry Ritzman** said the Township road crew did a better job than the state did during the last storm and also asked if they could detour truck traffic onto 2½ Mile Road when situations cause SR 443 to be blocked. Zimmerman said there is a weight restriction on the road and the Board agreed trucks should *not* be detoured onto the road.
- ♦ **John Stahl** submitted an ordinance needed by the Joint Treatment Authority to refinance their loan to the Board to consider for adoption. DiNicola explained the need for the ordinance and said the Board would have to authorize the advertisement of the ordinance with the Joint Treatment Authority incurring the cost. DiNicola said the Authority is refinancing their indebtedness through Rural Utilities Services (RUS) with a forty year loan at a 4.125% and as a condition of the RUS loan the Joint Treatment Authority is asking the Township and the Borough each guarantee the annual debt service of \$513,972 per year.

DiNicola said the Joint Treatment Authority's engineer will be required to submit statements certifying the Authority's revenue is sufficient to meet the loan's obligations; there is minimal risk to the Township and the loan will not go forward without the Township and Borough's consent.

After discussion, Zimmerman moved to advertise for adoption a resolution to guarantee the Joint Treatment Authority RUS loan, Lehman seconded the motion, all were in favor and motion carried 5 to 0.

Wise asked about unused credits and if revenue from selling them was figured in revenue to pay for this loan. Stahl explained the excess credits program and said revenue from this program was not included in their figures to repay this loan. Stahl said the old plant could also bring in revenue by leasing it to septic haulers.

- ♦ **John Stahl** discussed the Authority's mutual aid agreement with the Township (sewer service in exchange for plowing); saying since the new plant was built the plowing has not been done. Zimmerman moved to plow the road to the Joint Treatment Authority, Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Donald Wenrich** asked what the latest is from Berkheimer. Ferguson said an updated list was received, but nothing about any taxes that may have been owed to the Township. Wenrich said the Township should pursue it.
- ♦ **Zimmerman** discussed the permit process sheet Ferguson developed and questioned the statement of no permit necessary for a driveway when connecting to a private road. Discussion followed on the driveway permit issue. Zimmerman also discussed the issue of dirt dumped at the Fish & Game and questioned if it was in the flood plain. Clemens said he thinks it is. Zimmerman said if that was filled in the flood plain and if they don't do something about it, they will not have flood insurance anymore. Lehman asked who is policing this. Zimmerman said the supervisors are the ones who should be doing it. Lehman said she thought the Zoning Officer was policing it and Zimmerman said it is a permit issue, not a zoning issue; the supervisors are responsible for flood control. A discussion followed on the issue.
- ♦ Clemens complimented Ferguson on the new permit process sheet, saying it is something that was needed for a long time.
- ♦ Wise said the fire companies would like more community participation on the issue of the fire companies merging and said the tentative date of the meetings is the last Wednesday of the month at the ambulance building. Clemens suggested they send a questionnaire to the businesses. Wise said they are working on a mission statement.
- ♦ Lehman reported a safety hazard during the storm when all the trucks from the interstate blocked the road near the truck stop. Wise said there really is nothing they could do when they closed the interstate. Lehman said they should keep at least one lane open, Swatara Village was blocked.

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ADJOURNMENT

At 10:00 PM Zimmerman moved to adjourn the meeting, Aungst seconded the motion, all were in favor, motion carried 5 to 0 and meeting was adjourned.

**Respectfully submitted,
Kathy Ferguson, Secretary / Treasurer**