

PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
APRIL 11, 2007 MEETING MINUTES

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CALL TO ORDER - Chairman Larry Zimmerman called the April 11, 2007 meeting to order with the Pledge of Allegiance at 7:00 PM. Attending were Supervisors Zimmerman, Allen Aungst, Herman Clemens, Jerry Wise and Judith Lehman. Also present: Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Bernie Kulkaski, Heath Machamer, Donald Wenrich, Craig Morgan (Schuylkill Conservation District), Lillian Patten, other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS

- ♦ Bernie Kulkaski said he would like to comment on the minutes and things that concern stormwater.
- ♦ Heath Machamer said he would like to be heard under public comments for Newstead Development.
- ♦ Donald Wenrich asked Zimmerman to clarify if the public is allowed to comment on something when a motion is made during the meeting if they didn't request to comment on it at the beginning of the meeting. Zimmerman said technically they are not allowed to comment, but the Board has not denied it in the past. Wenrich said he would like to comment on any item that is brought up as a motion.

MINUTES / FINANCIAL ITEMS

- ♦ **March 14, 2007 Meeting Minutes** – Kulkaski said at the last meeting the Board approved minutes where they struck his statement from the record and asked what got struck, the CD he submitted or his statement that it was a public record. Zimmerman said his statement that it was a public record was struck because they are not going to keep the CD as a public record. Kulkaski continued to discuss the issue of the minutes with the Board. Zimmerman said Kulkaski could have the CD he submitted back or it would be gotten rid of.

Kulkaski asked the Board to use this time to address them on the subject of the minutes as listed on the agenda under "Persons to be Heard".

Minutes – Kulkaski said last meeting Aungst admonished him and the newspaper people for using the phrase book-burning. Kulkaski said Aungst confused the word books with accounts and said he does not accuse anybody of fiscal or financial misdeeds and apologized if that is what they thought. Kulkaski went on to say the digital recording is an "account" of the meeting, he pointed out the Sunshine Law defines a public record as *any* account of an agency. Kulkaski said the digital recording is made on public equipment and is a public record when it is created. Zimmerman said at the top of the agenda it says what the secretary is to do with the electronic recording. More discussion followed and Solicitor DiNicola said Kulkaski raised some interesting legal questions, but the Board is meeting the requirements for the minutes. Zimmerman said in the July 2006 Township News magazine it states audiotapes are not public record and cited a court case they listed. Clemens moved to have the lawyer check to see if the recordings are public record. More discussion followed and Clemens motion died for lack of a second. After other discussion, Clemens moved to keep meeting recordings as a public record, Lehman seconded the motion. Clemens and Lehman were in favor of the motion. Zimmerman, Aungst and Wise opposed the motion, motion was defeated, 3 to 2.

Aungst moved to approve the March 14, 2007 meeting minutes, Lehman seconded the motion. Aungst, Lehman, Zimmerman and Wise were in favor of the motion; Clemens abstained stating he was not present at the March 14th meeting. Motion carried 4 to 0.

- ♦ **Treasurer's Report** - Zimmerman said the beginning balance of the General Fund was \$230,473.31, March General Fund receipts were \$41,121.60, March General Fund expenses were \$49,930.12; the ending balance of the General Fund is \$221,664.79. Zimmerman said the Combined Township Fund ending balance is \$2,446,221.65. Clemens moved to approve the Treasurer's Report, Wise seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Approval of Bills** – Clemens questioned the Nestico charge for an audit letter. Ferguson said Nestico charges the Township for answering the auditor's standard inquiry letter sent to Township solicitors during the audit. Aungst moved to approve paying the bills totaling \$19,973.65, Zimmerman seconded the motion, all were in favor; motion carried 5 to 0.

PERSONS TO BE HEARD

- ♦ **Comprehensive Plan - Bernard Kulkaski** asked about the quote from the engineering firm on the Comprehensive Plan which the Board has been waiting on for six months. Aungst said it is done.
- ♦ **Storm Water - Bernard Kulkaski** asked what the next step is since Benesch recommended the draft storm water ordinances. Aungst said it is in the Benesch proposal they will be talking about later tonight.

REPORTS

Engineers Report / Planning Commission Report

- ♦ **Harry Peiffer Sr. Sketch Plan of Record** - Aungst moved to approve the Peiffer Sketch Plan of Record, Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Sweet Arrow Lake Plan** - Clemens moved to approve the Sweet Arrow Lake Plan as a Final Plan with the waivers requested, Lehman seconded the motion, all were in favor; motion carried 5 to 0. Craig Morgan gave an update of the plans for the park.
- ♦ **Swatara Creek CLC, Reduction in Letter of Credit** – Zimmerman moved to approve the request for a reduction in the letter of credit in the amount of \$16,225.00. Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Swatara State Park Stormwater and Flood Plain Management Plans** – Aungst moved to approve the plans, Lehman seconded the motion, all were in favor and motion carried 5 to 0.

Landfill Inspector – Clemens asked if there was any news on the gas, Lehman said no, it is still being flared away. Wenrich asked what Ingenco is doing and Lehman said they are waiting for permits.

Recreation Board – Lehman said she and Bonnie Brown met with Sean Ryan from Pine Grove Landfill. Lehman said the Landfill is paying for the portable toilet at the recreation area and they are checking into rubber pieces instead of mulch for next year. No applications were received for the vacancy on the Recreation Board.

Roadmaster – No comments.

Zoning Officer – Zoning Officer was not present. Zimmerman reported eight permits for March.

OLD BUSINESS

- ♦ **Resolution for UCC Inter-Municipal Agreement** – Zimmerman said if approved the next step would be to form an appeals board. Lehman asked what the benefits of the inter-municipal agreements are and Aungst said it is a cost savings for the people. After discussion, Zimmerman moved to adopt Resolution # 2007-1 to establish an Inter-municipal agreement with Pine Grove Borough, Tremont Township and Washington Township to administer the PA UCC. Aungst seconded the motion. Zimmerman, Aungst and Wise voted in favor of the motion, Clemens and Lehman opposed the motion, motion carried 3 to 2. Clemens and Lehman said the law is still changing and they need more information on how it will work.

- ♦ **2007 Road Projects** – Lehman said a meeting is set up with PennDOT rep Joe Kretulskie on April 19th. Lehman reported she spoke with Bill Murray regarding the water on SR 895 and was told it is on their list of items to be addressed this summer.
- ♦ **Kulkaski's request to send letter to DEP re Storm Water** - Kulkaski said he asked the Board to have their solicitor send a letter to DEP asking for help in bringing Schuylkill County into compliance with Act 167. Aungst responded with discussion on the DEP model ordinances and encouraging the County to adopt them. Craig Morgan discussed the need for rain gardens, infiltrating water back into the ground and the history of the County's storm water management.
- ♦ **Township Copier** – Ferguson said Jamie Shiffer was working on the quotes, but some of the quotes she received were incomplete and they did not have enough information to present to the Board for a decision. Ferguson added that it appears Fraser is the only company who will give any trade-in value for the old copier. The item was tabled until next month until more information is received.
- ♦ **Digital Records** – This item was considered earlier in the meeting.

NEW BUSINESS

- ♦ **Joint Flood Control Effort with Pine Grove Borough** – Aungst said he talked with Phyllis Hesser and plans to talk further with the Borough and Washington Township to get their support.
- ♦ **Executive Session on Personnel Matters** – Zimmerman said this would be held at the end of the meeting.
- ♦ **Salt Bay** - Lehman gave the Board of Supervisors some pictures of damage to the walls in the storage area for salt and a quote for repairs. Lehman said they are expecting other quotes and asked the Board to consider approving the repairs. Zimmerman mentioned the possibility of a new salt storage building. Lehman said she was at a meeting on spring road maintenance where they discussed the use of a tar buggy, she asked the Board to consider purchasing one.
- ♦ **Pine Hill Road** – Zimmerman said to check with the solicitor on the date of the agreement with Nestle and verify when the money must be used.

PUBLIC COMMENT

- ♦ **Lillian Patten** asked the board to put up a "\$300 Littering Fine" sign along the triangle of land at Brookside Road. Zimmerman moved to put up the no littering sign, Wise seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Heath Machamer** presented a **Sketch Plan of Record for Newstead Development**, saying the existing tract is owned by the landfill and borders SR 125. Machamer said Lot #1 will be retained by the landfill and Lot #2 with an existing stone access off SR 125 will be used by Newstead to store finished units. Machamer said the Planning Commission reviewed revised plans but were unable to sign them because they needed a landfill signature from someone in Illinois. Machamer said it is urgent the Board of Supervisors approve the plan because the plant will have to stop production without the area to store trailers. After further discussion, Clemens moved to approve the Newstead Sketch Plan of Record and Aungst seconded the motion. Lehman noted the Board's policy against contingent approvals, but Aungst confirmed the revised plans were now signed. All were in favor and motion carried 5 to 0.
- ♦ **Bernie Kulkaski** asked about the engineer's quote on the Comprehensive Plan. Aungst said the quote is \$29,000; he feels they need to get another quote. Discussion followed and the Board asked Ferguson to set up a meeting with Benesch and Rettew, asking them to meet with Aungst and Clemens.

PUBLIC COMMENT, cont.

- ♦ **Wise** said the fire companies meeting date had been changed at short notice because they had people there from Berks County that had merged five companies. Wise said it would probably be better to post the meetings on the website instead of in the newspaper; the tentative date of the meetings is the last Wednesday of the month at the ambulance building.
- ♦ **Aungst** said the effort to get reimbursement from FEMA or PennDOT for the cleanup under the bridges is moving forward.

Executive Session – The Board of Supervisors and Solicitor DiNicola went into executive session at 9:18 PM on personnel matters. Meeting resumed when the executive session ended at 9:42 PM.

Minute Books – Zimmerman moved to purchase new binder books for the minutes, Lehman seconded the motion, all were in favor and motion carried 5 to 0. Ferguson asked what type of books she was to purchase, saying the ones currently used are from PSATS and have the capability of being permanently bound. Discussion on the minute books, the policy of the Board and scanning the existing minutes into a PDF file on the computer followed. Aungst moved to scan the minutes since Ferguson has become Secretary / Treasurer (December, 2002) into the computer and permanently seal the other minutes. Lehman seconded the motion, all were in favor and motion carried 5 to 0.

ADJOURNMENT

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

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

Approved by the Board of Supervisors on May 9, 2007.