

PINE GROVE TOWNSHIP SUPERVISORS

175 OAK GROVE ROAD, PINE GROVE, PA 17963

SEPTEMBER 10, 2008 MEETING MINUTES

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CALL TO ORDER - Chairman Larry Zimmerman called the September 10, 2008 meeting to order with the Pledge of Allegiance at 7:00 PM. Attending were Supervisors Allen Aungst, Diane Tobin and Jerry Wise. Supervisor Judith Lehman was absent. Also present: Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Roadmaster Ralph Geist, Zoning Officer Clinton Koontz, John Stahl, Bernie Kulkaski, Cody Lehman, Craig Lehman, Bonnie Brown, Brandon Witmer, Tim Weaver, Joan Schwer, other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS

- ♦ John Stahl said he would like to comment on the Host Fee Advisory Board.
- ♦ Bernie Kulkaski said he would like to comment on Roberts Road and the Roadmaster's report.

MINUTES / FINANCIAL ITEMS

- ♦ **August 13, 2008 Meeting Minutes** – Aungst moved to approve the minutes and Tobin seconded the motion. Aungst, Tobin and Wise voted in favor of the motion, Zimmerman abstained and motion carried 3 to 0. Zimmerman said he abstained because he was not present for the entire meeting.
- ♦ **Treasurer's Report** – Ferguson said the report is a draft because not all bank statements have been received. Zimmerman said the final report will be approved next month.
- ♦ **Inter-fund Transfers** – Zimmerman moved to approve the transfer of \$152,827.23 from the Liquid Fuels Fund to the General Fund for payment of the 2008 road paving project. Tobin seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Approval of Bills** – Aungst moved to approve paying the bills totaling \$15,926.30, Wise seconded the motion, all were in favor and motion carried 4 to 0.

PERSONS TO BE HEARD

- ♦ **Ralph Geist** said John Heinbach would plow snow this winter if he was paid the same rate he had when he retired. Wise asked if it would be part time and Zimmerman said yes, without benefits. Aungst moved to hire John Heinbach for snow plowing this season on an as-needed basis at his hourly rate of pay when he retired. Tobin seconded the motion, all were in favor and the motion carried 4 to 0.
- ♦ **John Stahl** said it has been four years since the UCC was passed by the State and gave comparisons on the increasing costs of permits for buildings he constructed in 1989, 2004, and a current building. Stahl said he feels it is long past time the Board rectifies having routine drawings being inspected by engineers such as Light-Heigel; he hopes something will be done about it.
Aungst said the state mandates the inspections. Stahl said the Township is paying degreed engineers to review minor issues and plans that have already been pre-approved by engineers; the UCC inspections could be done by the Township.
Aungst said he agrees with Stahl and the four municipalities are having a meeting to discuss the UCC issues and may be going out to bid for UCC inspections.

REPORTS

Committee Reports – Zimmerman (Property & Roads) said he talked to the engineer and they are in the process of getting the easements needed for the Roberts Road cul-de-sac. Zimmerman estimated putting the project out for bids in January or February. DiNicola said SEDCO has talked to local businesses and is working with their management seeking ownership rather than easements. Bernie Kulkaski asked if it is only box culverts that will be put in and Zimmerman said there will be pipe on the east side of the box culvert. Bernie Kulkaski asked for a preliminary plan; Zimmerman said he would ask for one.

Engineers Report / Planning Commission Report

- ♦ **Keefer to Kepner Final Plan** – Aungst moved to approve the plan, Tobin seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Swatara State Park Sewage Module Resolution # 2008-11** – Zimmerman moved to adopt the resolution approving the sewage module, Wise seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Middendorf Parcel A & B Sketch Plan of Record** – Zimmerman moved to approve the plan, Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **SALDO Final Draft** – Ferguson said she spoke to the engineer and the draft copies will be available on Monday. DiNicola noted if the deadline is missed the October 29th public hearing would have to be rescheduled.

Landfill Inspector – Wise asked if Lehman received an odor call last Friday saying he received a call about odor on Interstate 81. Lehman was not present because she was ill and the question will be answered later. Tobin noted the Fall bulk clean-up sponsored by the Landfill will be September 20th. The County sponsored clean-up is the last week of September.

Recreation Board – Cody and Craig Lehman were present to discuss Cody's Eagle Scout project of building picnic tables for the pavilion at the Recreation Area. Zimmerman moved to approve Cody Lehman's Eagle Scout project of building picnic tables, Tobin seconded the motion, all were in favor and motion carried 4 to 0.

Aungst said they want to get electric and water over to the Recreation Area before the winter sets in, he and Dennis will draw up the plans. Aungst asked the Roadmaster if there would be a problem with them digging a trench from the garage to the Recreation Area and Geist said they need to lay it out for them. Stahl and others noted they should plan for outlets in the pavilion when putting the electric line in, Aungst said they would check with an electrician.

Zimmerman asked about the tools they requested to purchase. After discussion, the item was tabled until the restroom is built and they have room to store the tools.

Bonnie Brown asked about storage for the soccer fences and Geist said they could be stored behind the equipment shed with the pipe.

Aungst said the Youth Soccer Association wants to use the field for games. Brandon Witmer said they can no longer use the field at the school and want to know if they can play their games on the Recreation Area field. Zimmerman asked if the Recreation Board had any policies on it and Bonnie Brown said they have a first come first serve policy. Discussion followed on parking and keeping the field clean etc. Aungst moved to grant the use of the field to the Youth Soccer Association for this year. Zimmerman seconded the motion, all were in favor and motion carried 4 to 0.

Tobin asked if the plan for the Recreation Area has changed since the original plan. Bonnie Brown said they added a sand volleyball court and changed the tennis court. Tobin said she will apply to DCED for a grant for tot lot equipment if the Board has no objections. No objections were voiced by the Board.

Roadmaster – Aungst asked about the signs run down on 2 ½ Mile Road. Geist said the person is being charged with criminal mischief and we should be getting \$500 in restitution. Bernie Kulkaski asked about changing the speed limit on Old Forge Road to 25 mph. Roadmaster Geist said according to our PennDOT rep Joe Kretulskie a study does not have to be done; only the ordinance would have to be amended to change the speed limit. Aungst said the Board should look at the speed limits in other areas and make them more uniform. *(Tobin suggested the Board conduct a road tour *)* in November or December before the snow in order to decide on paving for next year. The Board agreed to place the road tour on next month's agenda. ***10/08/08 Mtg. Correction: (If the Board plans to do a road tour, Tobin suggested they do it in November or December...)**

Zoning Officer – Zimmerman said there was one approved permit for August.

Zoning Office Hours – Tobin said since most of the Board and the Zoning Officer are present she would like his opinion on his hours. Koontz said he is not going to discuss terms of his employment in a public meeting and their lawyer should tell them that is not right. Koontz asked DiNicola to comment saying terms of employment are not discussed in a public meeting. *Printed from www.pinegrovetownship.com*

♦ **Zoning Office Hours, continued**

DiNicola said the Board has the right to take it into an executive session and invite Koontz in. Tobin asked Koontz if he would join them in an executive session, Koontz agreed and Tobin requested an executive session. John Stahl asked why the hours would be considered a condition of employment. DiNicola said it is a matter of interpretation.

- ♦ **Executive Session** – At 8:08 PM the Board of Supervisors, DiNicola and Koontz entered into executive session. At 8:26 PM the meeting resumed. Zimmerman said there was no decision as to the office hours and it will be taken off the agenda unless there is a motion to put it back on.

OLD BUSINESS

- ♦ **Landfill Gas Proposed Agreement** – DiNicola said the draft agreement was an addendum to the original host agreement and the term of the agreement would expire when the landfill stops receiving waste, it needs to be clarified that the agreement will continue as long as the landfill is receiving revenue. DiNicola said he will make revisions and circulate it to the Board.
- ♦ **Contractors Ordinance** – Zimmerman said there are several things DiNicola will be changing and tabled the item until next month stating the Board should think about the fees and fines to add.
- ♦ **Membership in the One Call System** – Zimmerman said there are pros and cons to be a member and there is a charge for it. Zimmerman said no one should be digging in our right of way, but by having everyone who is digging in the township report to us, we could keep track of what is going on. Aungst said other than pipes along and under the road we don't have anything of value underground. Tobin asked if we are required as a municipality to be a member and Aungst said yes according to them. After discussion, Zimmerman moved to disregard membership in the PA One Call system at this time. Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Landfill Host Fees Proposed Advisory Board** – John Stahl asked what had been discussed and Zimmerman said he had not been at the meeting and Lehman who is not present is the one who brought it to the Board. Stahl said since the landfill came in about 1990 the Township has received at least \$5.5 million in host fees over the years and there has never been a plan on how to utilize the money. Stahl asked how much of that money is still in the bank and Zimmerman said \$3.5 million. Stahl said a few years ago it was down to \$2 million so there must be new contributions in that amount, there was at least \$3 million spent and the public has no idea what they received. Stahl said his main concern is the Township will again be receiving host fees and he feels it is a high priority to find out what a committee of citizens would recommend it be spent on to benefit them. Aungst said the citizens haven't paid any real estate taxes to the Township and Zimmerman said they haven't used the money for any ordinary expense. Stahl asked what the money was spent on and Zimmerman said he should look at the budget for the last eight years. Discussion continued on the host fees, property taxes, etc. and the item was tabled.

NEW BUSINESS

- ♦ **Resolution for Archiving Records** – Ferguson said the Pennsylvania Historical Commission developed the Municipal Records Manual of guidelines for municipalities to follow in archiving and disposing of old records. Ferguson asked the Board to consider adoption of a resolution to follow the manual as the Township's guide for archiving records. Zimmerman moved to adopt Resolution # 2008-12 for disposition of public records according to the Municipal Records Manual. Wise seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **2008 Schuylkill County Township Officials Convention** – Ferguson said the convention date is October 15th. Zimmerman moved to have the Township pay for the Supervisors who plan to attend the convention. Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **2009 Budget Meeting Dates** – Budget meetings were scheduled for October 2nd, 14th and 27th at 6 PM with the budget ready for review in November for adoption at the December 10th meeting. Zimmerman moved to advertise for an independent auditor for the 2008 audit. Aungst seconded the motion, all were in favor and motion carried 4 to 0.

NEW BUSINESS, cont.

- ♦ **PMRS Minimum Municipal Obligation Report** – Aungst moved to approve the Pension Plan report, Tobin seconded the motion, all were in favor and motion carried 4 to 0.

CORRESPONDENCE

- ♦ **SEDCO Request for LERTA** – DiNicola said they are notifying us they will be applying for LERTA on behalf of Solar Innovations.
- ♦ **Fulton Bank Check Recovery Service** – Ferguson explained Fulton’s free program for collecting on checks returned for insufficient funds. Zimmerman moved to participate in the Fulton Bank Check Recovery Service program, Tobin seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **DEP letter re Appalachian Trail Act** – Ferguson noted a copy of the letter regarding the Appalachian Trail Act’s new requirements was sent to Benesch asking them to incorporate any changes necessary when they begin their review of our zoning ordinances.

PUBLIC COMMENT

- ♦ **Tim Weaver** said the Board, Township employees and the fire companies need to be NIMS certified or the Township may lose some grant money and funding. Discussion followed on requirements, group training at the Township building and website training.
- ♦ **John Stahl** asked if the subdivision along Parallel Road could be made to connect to the public sewer since it was scheduled for sewage in 1990. Zimmerman said not if they are following the current ordinances.
- ♦ **Bernie Kulkaski** said when problems come up with residents it seems to get dropped if the residents don’t come every month to follow up, citing the water problem at Swatara Village as an example.
- ♦ **Bernie Kulkaski** said there is a company looking at potentially leasing the old sewer plant to treat water that comes from gas mine drilling. Kulkaski said he wanted to make the Board aware of it so if there was an objection it would come out early.
- ♦ **Joan Schwer** asked Tobin for feedback on the decision for no office hours for the Zoning Officer after four months of asking for the office hours. Tobin said she still believes he should have set some office hours but she guesses the rest of the Board doesn’t agree; she would have to ask them.
John Stahl asked why it wasn’t a motion of the Board not to require the hours. Zimmerman said because no one said how many hours they wanted.
- ♦ **Tobin** said as business manager of the Joint Treatment Authority she would like to request cooperation of the Township road crew to fill two holes at the Authority office parking lot. Zimmerman moved to have Lehman inform the Roadmaster to patch the holes when they are doing patching and Aungst seconded the motion. Zimmerman, Aungst and Wise were in favor of the motion, Tobin abstained and motion carried 3 to 0.
- ♦ **Tobin** said as Township supervisor she feels we should have office hours for our Zoning Officer.
- ♦ **Aungst** moved to put a draft copy of the minutes from the Board of Supervisors meetings into the mail bins of the Roadmaster, Zoning Officer, Recreation Board and Planning Commission as soon as they are available. Wise seconded the motion, all were in favor and motion carried 4 to 0.
Donald Wenrich asked if they are to take action on things in the draft minutes. Zimmerman said it is to make them aware of the decisions the Board of Supervisors have made.

ADJOURNMENT - At 9:37 PM Zimmerman moved to adjourn the meeting, Tobin seconded the motion, all were in favor and motion carried 4 to 0.

Respectfully submitted,

Kathy Ferguson, Secretary / Treasurer

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Approved by the Board of Supervisors October 8, 2008.