
PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
SEPTEMBER 9, 2009 MEETING MINUTES

CALL TO ORDER - Chairman Larry Zimmerman called the September 9, 2009 meeting to order with the Pledge of Allegiance at 7 PM. Attending were Vice-Chairwoman Diane Tobin, Supervisors Allen Aungst, Judith Lehman and Jerry Wise. Solicitor Gino DiNicola and Zoning Officer Clinton Koontz were absent. Also present were Secretary/Treasurer Kathy Ferguson, Roadmaster Ralph Geist, Bonnie Brown, Donald Wenrich, Teri Knopf, John Stahl, Bernie Kulkaski, Tim Weaver and others; list on file.

PUBLIC COMMENT ON AGENDA ITEMS – No comments were received.

BID OPENING – The following bids were received for the Recreation Area Bathroom facility:

| <u>Company Name</u> | <u>Base Bid</u> | <u>Alternate</u> |
|-------------------------------|---------------------|------------------|
| Bognet, Inc. | \$133,397.00 | \$128,497.00 |
| Descoco | \$132,212.00 | \$122,667.00 |
| Frantz Construction | \$128,640.00 | \$121,640.00 |
| Hughes Contracting | \$129,679.00 | \$126,753.00 |
| Jem Contracting, Inc. | \$144,289.00 | \$138,649.00 |
| L & K Construction | \$122,700.00 | \$117,700.00 |
| Ed Snukis Contractor | \$139,990.00 | \$127,000.00 |
| Superior 3 | \$142,500.00 | \$132,500.00 |
| Uhrig Construction | \$138,400.00 | \$133,400.00 |

Zimmerman moved to accept the **base bid** from L & K Construction as apparent lowest bidder pending review by the project engineer. Lehman asked what happened to the \$60,000 bathroom and discussion followed on the bathroom specifications. Aungst seconded Zimmerman’s motion. Zimmerman, Aungst, and Wise voted in favor of the motion, Tobin and Lehman opposed the motion; motion carried 3 to 2.

MINUTES / FINANCIAL ITEMS

- **August 12, 2009 Meeting Minutes**
- **August 20, 2009 Special Meeting Minutes**
Aungst moved to approve both meeting minutes, Lehman seconded the motion, all were in favor and motion carried 5 to 0.
- **Treasurer’s Report, August 2009** –Wise moved to approve the Treasurer’s Report, Tobin seconded the motion, all were in favor and motion carried 5 to 0.
- **Approval of Bills** – Zimmerman asked Geist about the Lebanon Materials invoice. Geist said it is part of Hanes & Kibblehouse; he can’t get the material from Prescott because they are too busy. Aungst moved to approve the bills totaling \$20,855.13 for payment, Wise seconded the motion, all were in favor and motion carried 5 to 0.

PERSONS TO BE HEARD – None.

REPORTS

- **Recreation Board** – Bonnie Brown said most of the members forgot the meeting last night, but she and Dennis Fidler were presented with a \$5,000 DCED grant check from Rep. Tim Seip

Recreation Board, cont.

- for the playground. Brown said they must use the \$5,000 for new equipment and mulch. Brown said they would like to extend the tot lot to put the new equipment in and need an additional \$2,000 for framing. Discussion followed on the money in the Recreation account and the road crew helping with the playground. Tobin moved to approve the Township paying for the excess costs of the playground grant project. Lehman seconded the motion, all were in favor and motion carried 5 to 0.

Aungst said the walkway and platform in front of the bathroom must be done as soon as the bathroom is finished and he would like the Board to approve going out for bid on them. Aungst noted there is \$10,000 from Nestle for the parking lot and it would make sense to bid the small parking lot and the walkway at the same time. Zimmerman moved to bid the walkway and parking lot using the same walkway specifications as before. Wise seconded the motion, all were in favor and motion carried 5 to 0.

Zimmerman said they should put it out for bid to have someone clean the restrooms. Aungst said they should see if the cleaning lady wants to do it.

- **Roadmaster** – Geist asked if we received the bill for the paving and Ferguson said no.
- **Zoning Officer** – Zoning Officer was not present and Zimmerman said seven approved permits were issued in August. Lehman asked where his phone log is, she would like to see it. Zimmerman turned in Koontz's phone log and key along with the Zoning Officer's letter of resignation. Zimmerman read Clinton Koontz's letter of resignation effective September 1, 2009. Lehman asked if it just came in and Zimmerman said no he had it. Tobin said not everyone knew Koontz resigned and Lehman said it would have been nice to know; Zimmerman asked why. Lehman said to start looking for someone and she noted there are five supervisors. Zimmerman said Ferguson knew and has been transferring calls to Dave Horst. Ferguson said Zimmerman did not tell her to notify the Board. Zimmerman said no, but he told her that Koontz resigned.

Teri Knopf said she had a request in to extend a permit and wanted to know what the status was. Zimmerman said it was referred to Dave Horst. John Stahl asked what decisions the Township makes on permit extension requests. Aungst said there have been some extensions given on permits in the past as long as nothing was changed. Stahl asked how long the extension is for and Zimmerman said he doesn't think there is a written policy for it.

Aungst asked when Knopf's permit expired and Ferguson said it expired in April and Knopf asked for the extension on August 27th. Aungst moved to approve a six month permit extension of the Knopf property. Tobin said the Board does not do zoning. Aungst said at this point they don't have a zoning Officer, so the Board has to act on it. Tobin asked Zimmerman if he had already given it to Dave Horst and Zimmerman said yes, he is our engineer. Tobin said she understands from talking to Zimmerman yesterday, Dave Horst of Alfred Benesch was given anything that came in on zoning. Zimmerman said that was right. Tobin said Light-Heigel has it and will proceed with it upon our direction. Aungst said upon our giving approval of the zoning. Tobin said the Board is not zoning officers and does not do zoning. Zimmerman said the engineer would do zoning in the absence of the zoning officer. Tobin moved to assign Alfred Benesch as our zoning officer in the interim. Discussion followed on the length of time for review of the permit request etc. Lehman seconded the motion.

Members of the public pointed out there were two motions on the floor and Lehman said she had heard Tobin's. Aungst said apparently his had died and Zimmerman said no one had seconded it.

Zoning Officer, cont.

Zimmerman said Alfred Benesch is our engineer and that is where zoning issues would fall under normal procedure; that is why he called the secretary and told her to forward all zoning issues to our engineer until this is resolved. Zimmerman said tonight the Board has to decide what they are going to do, let Benesch handle it or look for a new zoning officer. Zimmerman said they are technically our zoning officer because we hired them as our engineer. Zimmerman said Benesch is aware of this and they should be giving these people the answer. Ferguson said Horst is holding everything we gave to him until tonight's meeting. Zimmerman said everyone should be in agreement they are our engineers; they redid our ordinances – who better to take care of our zoning. Zimmerman said he doesn't think we need to go through the formal procedure of saying we want them to do our zoning.

Bernie Kulkaski asked who is going to pay for it, Koontz worked cheaper than engineers on a per hour basis. Zimmerman said we need to take care of the issue at hand first. Zimmerman asked if everyone is in agreement that Benesch is our zoning officer as of now. Tobin said if it is in the form of a motion. Zimmerman said she made a motion. Tobin repeated her motion to appoint Alfred Benesch as our Zoning Officer. Lehman asked if it is temporary, Aungst said you can get rid of them anytime. Donald Wenrich said "point of order" and asked how much the zoning officer was earning. Tobin said \$600 per month. Wenrich suggested the Board put it in the motion to limit Benesch to that amount. Aungst said they are on an hourly fee and Zimmerman said they are on a retainer like the solicitor. Zimmerman said there is a motion on the floor. Tobin again repeated her motion to retain Alfred Benesch as the Zoning Officer until the reorganization meeting. Lehman repeated her second of Tobin's motion, all were in favor and motion carried 5 to 0.

Zimmerman told Teri Knopf that Dave Horst or someone from the Benesch office will be taking care of her permit and Ferguson confirmed they have all the information.

Ferguson asked if the fee schedule will remain the same for permits and Zimmerman said he didn't know what Benesch will be charging. Donald Wenrich asked if the Board could have done it themselves and Zimmerman said yes. Tobin said if an individual supervisor had been appointed, but they all could not have done it. Wenrich and Zimmerman argued with Tobin saying the Board could have done the zoning

John Stahl said every time an issue comes up, the question is who is going to pay for it. Stahl said he feels if the township is requiring all the rules and regulations, the township (meaning all the residents) should pay for it. Stahl said there should be a nominal processing permit fee across the board. Stahl asked why there is a separate construction permit; it should be streamlined to remove confusion from the process. Stahl said the woman at the meeting last month and the information she got didn't enlighten the situation at all and he heard their job was cancelled. Zimmerman said that was the UCC, not us and Stahl said it had to do with your permitting process. Stahl asked if they had adopted the UCC or not. Aungst said yes. Stahl said then it is not the State, it is the Township's code. Aungst said it is either our building code or the State does the inspections. Stahl discussed a project of his and said he thought when they adopted the code they needed to form an appeals board. Aungst said we have an appeals board. Discussion followed on fees for appeals and the reasons the Township opted in for the UCC, to control the cost for the residents. Tobin questioned if there is an appeals board in place. Aungst said we do have people on the appeals board, but right now the Borough is backing out, so it is going to be reviewed. Tobin said so you are still working on it and Aungst said yes. Tim Weaver asked who he would call if he wanted to appeal a permit and Aungst said the township. Weaver said the number should be on the permit and Zimmerman said it is on the sheet Ferguson made up. Ferguson said she doesn't have appeals board information. Aungst said normally Light-Heigel would be the first ones to hear about it.

REPORTS, cont.

- **Engineers Report / Planning Commission Report** – No comments received.
- **Landfill Inspector** – No comments were received.
- **Committee Reports** – Zimmerman said the bids have gone out for the Roberts Road project and it should be started within four weeks after the bid is awarded.

OLD BUSINESS

- **Act 32 Earned Income Tax Delegates** – Aungst said they received an email from Jerry Lengle who is the alternate for the school and he would be willing to be our delegate. Aungst said Frances Heinbach would be the delegate if they can't find anyone, but she would prefer to be the alternate. Aungst said the committee would be selecting a collection agency to collect the earned income taxes for the whole county. Ferguson said the committee has the opportunity to set up their own collection agency and borrow money based on their expected revenue. Ferguson said it is very important who is appointed and she personally feels the township should have delegates separate from the school delegates to have more of a voice. Ferguson said she doesn't think people realize the importance of the EIT income to the Township and the committees that are being formed don't really understand their duties; plus we may end up funding them if they decide to set up their own collection agency. Aungst said he didn't read that. Discussion followed on the process and the committee duties. Wise moved to appoint Frances Heinbach as the delegate, Aungst seconded the motion. Wise, Aungst, Tobin and Lehman voted in favor of the motion, Zimmerman opposed the motion, motion carried 4 to 1. Zimmerman said he opposed the motion because Frances said she would prefer to be an alternate.
Aungst moved to appoint Jerry Lengle as the alternate delegate. Lehman volunteered to be the alternate delegate. Aungst withdrew his motion. Tobin moved to appoint Lehman as the alternate delegate, Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- **Brookside Road Ordinance Amendment** – Aungst moved to advertise an ordinance amendment prohibiting truck traffic on Brookside Road, Lehman seconded the motion. Aungst, Lehman, Tobin and Wise voted in favor of the motion; Zimmerman opposed the motion and motion carried 4 to 1. Bernie Kulkaski asked who enforces the amendment; Zimmerman said the same ones who enforce the speed limit – the state police.
- **Roberts Road** – Zimmerman said Benesch reviewed the bid package for the culvert project, but DEP has not given final approval of the plan. Zimmerman said the Board should approve the intent to issue a notice to proceed so the engineers can go ahead with the work. Discussion followed on DEP having the plan since January with Benesch correcting everything they requested three months ago. Benesch has asked the Board to consider getting legislators involved since DEP has well exceeded the thirty days for plan approval. Zimmerman moved to approve the intent to issue a notice to proceed upon receiving DEP approval of the Roberts Road project. Lehman seconded the motion, all were in favor and motion carried 5 to 0.
- **Records Disposal Resolution** – Ferguson said there is a resolution for the Board to consider for destroying the records on the list she presented last month in accordance with the Pennsylvania Historical and Museum Commission guidelines. Aungst moved to approve Resolution # 2009-05 for disposal of records, Wise seconded the motion, all were in favor and motion carried 5 to 0.

NEW BUSINESS

- **Schuylkill County Convention** – Ferguson said the convention will be held Wednesday, October 21st in Barnesville. Zimmerman said any Board members interested in going should contact Ferguson.
- **Budget Meeting Dates** – The Board agreed to advertise meeting dates for October 1st, 12th and 26th at 6:30 PM for the budget and any other business that may come before the Board.
- **PMRS Minimum Municipal Obligation** – Ferguson presented the annual report for the Board's approval. Aungst asked if the 3% is from the employees and Ferguson confirmed the 3% is deducted from the employees' earnings. Zimmerman moved to approve the PMRS report, Wise seconded the motion, all were in favor; motion carried 5 to 0.

CORRESPONDENCE

- **Model Floodplain Ordinance** – Zimmerman said Dane Huntzinger sent a model floodplain ordinance we can advertise or we can have the solicitor look over it. Aungst said he would like to table it until next month for more time to review the ordinance, item was tabled.
- **PennDOT Winter Services Agreement** – A brief discussion was held on the agreement and Wise moved to approve the agreement, Lehman seconded the motion; all were in favor and motion carried 5 to 0.
- **PLGIT CD Program Change** – A CD program change from PLGIT requires a signature by the Board consenting to the changes. Aungst moved to authorize the chairman to sign the PLGIT letter. Tobin seconded the motion, all were in favor and motion carried 5 to 0.
- **Schuylkill Area Community Foundation** – Ferguson said a letter was received referring to a trust made in 1932 for educating children from Pine Grove Borough, Pine Grove Township and Washington Township. Ferguson said the foundation is the organization that administers the trust and the letter gives contact information for grant applications to the fund.

PUBLIC COMMENT

- **Terry Ritzman** asked if there was any information on the fire company merging. Wise said no meetings have been held. Ritzman wanted to know if donations would be affected if they merged, Wise said no.
- **John Stahl** said for years there has been a subdivision in Outwood with thirty two 1/3 acre lots then Maple Hill lots were added, so there are close to fifty non-conforming lots and they are still zoned R-P. Stahl said this zoning brings into play fifty foot setbacks etc. which none of these lots can do. Stahl said if they are changing the zoning ordinances they should be eliminating these conflicts so residents don't have to go to the Zoning Hearing Board. Zimmerman said there is a whole different set of regulations when you have a non-conforming lot; they are not treated like a regular lot in that zone.
- **Aimree Reiter** said it would be her last meeting reporting for the Press Herald and thanked the board for six years of education and sometimes entertainment.
- **Joan Schwer** asked how the bathroom would be paid for, she knows there is a \$40,000 grant, and would the rest come out of the General Fund? Zimmerman said yes and Aungst said there is approximately \$20,000 in the Recreation Fund that can be used.
- **Zimmerman** said the Landfill sponsored "Bulk Cleanup Day" will be Saturday, September 12th from 8 AM to 11 AM.
- **Zimmerman** said he would check on the Roberts Road project if no one has any objections. Lehman moved to approve Zimmerman checking on the Roberts Road project, Wise seconded the motion; all were in favor and motion carried 5 to 0.

PUBLIC COMMENT, cont.

- **Aungst** said he talked to Dave Horst about the zoning ordinance and Zimmerman said the final draft is ready to go and we should be getting it to approve it.
- **Aungst** asked if the Board was planning to do something with the basement before voting. Lehman said we had some water in again. Ferguson said there was water in twice during recent storms. Lehman said the buildings need to be discussed. No decision was made.
- **Aungst** said he would contact DCNR about the bathroom bids and Zimmerman said he will sign the contract after the architect reviews the bid package and give them the notice to proceed.
- **Wise** said he has received calls about getting cable extended along Chapel Drive. Aungst said he talked to Michael Warner at Comcast and he will have someone survey that section this week. Kulkaski asked him to send them to the industrial park too. Aungst said he would add it to the list.

ADJOURNMENT – At 9:23 PM Aungst moved to adjourn the meeting, Lehman seconded the motion, all were in favor and motion carried 5 to 0.

Respectfully submitted,

Kathy Ferguson, Secretary / Treasurer

Approved by the Board of Supervisors on October 14, 2009.