
PINE GROVE TOWNSHIP SUPERVISORS

175 OAK GROVE ROAD, PINE GROVE, PA 17963

NOVEMBER 11, 2009 MEETING MINUTES

CALL TO ORDER - Chairman Larry Zimmerman called the November 11, 2009 meeting to order with the Pledge of Allegiance at 7 PM. Attending were Vice-Chairwoman Diane Tobin, Supervisors Allen Aungst and Jerry Wise. Supervisor Judith Lehman was absent. Also present were Solicitor Gino DiNicola, Township Engineer/Zoning Officer David Horst, Roadmaster Ralph Geist, Secretary/Treasurer Kathy Ferguson, Donald Wenrich, Jeffery Zimmerman, Bernie Kulkaski, and others; list on file.

PUBLIC COMMENT ON AGENDA ITEMS – No comments were received.

MINUTES / FINANCIAL ITEMS

- **October 12, 2009 Special Meeting Minutes**
- **October 14 , 2009 Meeting Minutes**
Aungst moved to approve both meeting minutes, Wise seconded the motion, all were in favor and motion carried 4 to 0.
- **Treasurer's Report, October 2009** – The October General Fund beginning balance was \$418,756.91. October receipts were \$30,597.71 and October expenses were \$56,200.68. The General Fund October ending balance was \$393,153.94 and the Combined Funds ending balance was \$3,975,433.04. Tobin moved to approve the Treasurer's Report, Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- **Approval of Bills** – Ferguson noted donations to both fire companies were included in the bills list and added the health insurance invoice (\$3,734.94) to the list of bills for approval. Aungst moved to approve the bills (with the addition) totaling \$77,108.51 for payment. Tobin seconded the motion, all were in favor and motion carried 4 to 0.

PERSONS TO BE HEARD

- **Dennis Fidler** said he presented a subdivision plan for Aaron Aungst to the Planning Commission last week that divides his three acre parcel on High Time Lane into two parcels. Fidler said one lot will have the existing home on and he plans to build a home on the other lot in the future. Fidler said they are here to ask the Board of Supervisors to classify High Time Lane as a private road.

David Horst said at issue is access to the proposed subdivision because there are more than two lots that use High Time Lane (a 44' easement). Horst said the question is do they re-classify High Time Lane as a private street or have them go to the Zoning Hearing Board.

DiNicola said High Time Lane is paved and the Township is not getting Liquid Fuel money for it, so the only concern would be that a note is placed on the plan that with any future conveyance of the property to a third party an agreement for maintenance would be required on file with the Township. Dennis Fidler said the Aungst's have talked about setting up a home owners' association for the maintenance of the road. Horst said the Township should also recognize the road is not up to Township standards in case they would ever want to turn it over to the Township.

Zimmerman asked DiNicola if he should abstain from voting on the issue because he is employed by the Aungst's. DiNicola said he sees no direct conflict or pecuniary benefit on Zimmerman's behalf. Tobin moved to declare High Time Lane as a private road, Aungst seconded the motion, all were in favor and motion carried 4 to 0.

PERSONS TO BE HEARD, cont.

- **Donald Wenrich** said the Joint Treatment Authority (JTA) would not allow discussion at their meeting on the sewer problems he brought to the township board last month. Zimmerman asked him if they set up a meeting with him as they said. Wenrich said no, he only received a letter regarding inspections of the units. Bernie Kulkaski said they are having an inspection and engineering review done. Kulkaski said some modifications will be done and Tobin added the inspection will show what modifications need to be done. Kulkaski discussed the sewer system and problems with grease etc.

Wenrich said according to ordinance #1992-48, article 3, section 3.06 and the elevation of his property he should have gravity flow; but he could not take advantage of it because they have not made the sewer line available for gravity flow. After discussion of the ordinance, Zimmerman suggested Wenrich get legal counsel and take it up with the JTA. Wenrich said it is up to the Township to enforce their ordinance. Zimmerman said he did not say they were not going to enforce it, he said no one is fighting it at this moment.

Wenrich said three parties signed the inter-municipal authority agreement in 2001 and that agreement states the charges shall be the same for everyone. Wenrich asked if the agreement was changed and Zimmerman said not to his knowledge. Wenrich said the JTA was charging Swatara Village residents \$60 at the same time the rest of the people were paying \$125. Tobin said it was different; they paid that amount through the acquisition (from Feeser). Zimmerman said they were on a separate system and Wenrich should go to the JTA about it. Wenrich said it is up to the Board because they signed the agreement. Wenrich said he has paperwork to prove it and Zimmerman said after he reads what Wenrich has maybe the Board would look into it.

Jeffery Zimmerman asked if the JTA has assumed any of the maintenance of the services provided and other questions. Kulkaski said at the current time they approved having a firm come in and inspect every installation, discussion followed on other sewer authority issues.

REPORTS

- **Roadmaster** – Zimmerman said Geist has been checking on the Roberts Road project and called him about water seeping from under the pipe. Zimmerman said they diverted the creek through the temporary pipes and the water is infiltrating under the pipe. Zimmerman said he talked to the engineering firm and they are not concerned with it; it will end after the culvert is in because they have to put up a concrete wall up in front of those pipes. Zimmerman said they did hit the sewer line because the elevation was wrong and they can expect a change order and additional fee for moving it. Zimmerman said the temporary road will be built next. Aungst asked what they are doing with the dirt and Zimmerman said they are stockpiling it. Aungst asked if they will use it for the cul-de-sac and Horst said it may not be up to specifications to be used for that.

- **Zoning Officer** – Zoning Officer David Horst said complaints were investigated last week, he will write a memo to the board about them and will begin to submit a monthly report on the permits.

Swatara Village Request – The Swatara Village Home Owner's Association would like the Zoning Officer to attend their meeting to answer questions about permit requirements etc. The Board discussed cost with Horst and he said it would be about \$130. Also discussed was having a meeting at the Township building open to the public. Ferguson pointed out the Zoning Officer is an interim appointment and could change in January and the Zoning Ordinances are also changing. The Board tabled this item until January.

REPORTS, cont.

- **Engineers Report / Planning Commission Report** - The Board reviewed the Pine Grove Dollar General preliminary plan. Tobin asked why Horst said the Planning Commission did not need to sign the plan. Horst said preliminary plans are not recorded anywhere and signatures are needed only if interim work is to be done before the final plan is submitted. Tobin moved to approve the plan, Aungst seconded the motion, all were in favor and motion carried 4 to 0.
- **Landfill Inspector** – Landfill Inspector was not present and no comments were received.
- **Recreation Board** – Aungst said the minutes of November 3rd incorrectly state the doors on the bathroom are self locking, they are not and he will discuss it with the Recreation Board. Aungst said the exterior of the bathroom is almost complete and they are on schedule.
Aungst asked the Board to approve authorizing \$650 to spend on a 6' x 20' cement pad to be placed in front of the one exterior door of the bathroom so it will open properly without changes in the macadam height (caused by weather) interfering. Zimmerman said cement will have the same problem unless they have footers under the cement pad. Aungst moved to approve spending up to \$700 on material for a cement slab at the Recreation Area bathroom. Tobin said the \$700 would have to come from the General Fund and Aungst agreed. Tobin seconded Aungst's motion. Aungst, Tobin and Wise voted in favor of the motion, Zimmerman opposed the motion; motion carried 3 to 1. Zimmerman said he voted no because of not having footers.

OLD BUSINESS

- **Brookside Road Ordinance Amendment** – DiNicola said the ordinance to prohibit truck traffic on Roberts Road was advertised and if not adopted tonight it would have to be re-advertised. Tobin moved to adopt Brookside Road Ordinance #77, Aungst seconded the motion. Tobin, Aungst and Wise voted in favor of the motion, Zimmerman opposed the motion. Motion carried 3 to 1.
- **Flood Plain Ordinance** – DiNicola said he reviewed the proposed ordinance that was supplied by Dane Huntzinger from the Schuylkill County Conservation District and it is consistent with other ordinances in the county. Aungst asked if it applies only to buildings in the flood plain and DiNicola said yes. Zimmerman moved to adopt the proposed Flood Plain Ordinance #78, Wise seconded the motion; all were in favor and motion carried 4 to 0.
- **EIT Tax Collection Committee (TCC)** – Tobin moved to appoint Robert Crist as the Township TCC delegate, Zimmerman seconded the motion; all were in favor and motion carried 4 to 0.
- **Revised Zoning Ordinances** – DiNicola said the Planning Commission recommended the draft zoning ordinances to the Board of Supervisors and a public hearing was held to receive comments on the ordinances. The Board of Supervisors will consider the ordinances for adoption at the December 9th Township meeting.

NEW BUSINESS

- **Independent CPA** – Ferguson asked the Board to consider advertising for an independent certified public accountant to conduct an audit of the 2009 financial records. Aungst moved to advertise for an independent auditor for the 2009 financial records, Tobin seconded the motion; all were in favor and motion carried 4 to 0. Zimmerman asked if the supervisors whose terms were up would get a copy of the audit report. After discussion, Aungst moved to provide copies of the completed Township's 2009 financial audit to the out-going supervisors. Zimmerman seconded the motion, all were in favor and motion carried 4 to 0.

NEW BUSINESS, cont.

- **UCC Appeals Board** – Aungst said the old agreement needs to be changed to remove Pine Grove Borough from it and the other municipalities are acting on it at their December meetings. Aungst said while people had volunteered for the appeals board, they did not have an application in place for people to fill out for an appeal. Aungst said he circulated paperwork for an appeals application and a resolution to review for action at our December meeting. DiNicola said he reviewed the paperwork briefly and forwarded them to the solicitors for Washington and Tremont townships. DiNicola said the goal is to have all signatures by the end of the year. Aungst said there are candidates interested in serving on the appeals board and if anyone has contractors that would be interested in serving on the appeals board, let him know.
- **2010 Budget** – The proposed 2010 Budget has been advertised and is available for public inspection, the Board of Supervisors will consider it for adoption at the December meeting.

PUBLIC COMMENT

- **Tom Brixius** said he works for Comcast and has been asked by people on Chapel Drive to help them get cable in the area. Aungst said he has been working on it for three months and read a letter (copy on file) he received from Comcast stating the total cost would be \$101,815 to provide cable to the area and the area does not meet the requirements of the franchise agreement with the Township. Discussion followed on the cable franchise requirements. Brent Lavelle of Summit Drive said Comcast is not likely to provide the service because it is not cost effective for them. Brixius said he is taking a home to home survey with signatures to take back to Comcast and asked Aungst to keep in touch with any progress. Aungst said the only thing the Board can do is maybe use this as negotiating tool when the next franchise agreement is done.
- **Aungst** asked if we received the landfill trust payment and Ferguson said yes, it was directly deposited into the Capital Reserve account, that it is why it did not show in the General Fund revenue for the year.
- **Aungst** said the Knopf permit fee discussed last month should be refunded because if the Zoning Officer had not changed, Knopf would have received the extension. Aungst moved to refund the zoning permit fee of \$100 to Teri Knopf and Zimmerman seconded the motion. Aungst, Zimmerman and wise voted in favor of the motion, Tobin opposed the motion, motion carried 3 to 1. Tobin said Knopf was supposed to appear this month before the Board to request the refund.
- **Tobin** said several CD's are maturing and she recommends we roll them over with Fulton or PLGIT, whoever gives us the higher rate. Aungst gave current comparison rates for Fulton and PLGIT. Tobin moved to roll over the CD's maturing before the next meeting with Fulton or PLGIT, whoever has the higher rate on their maturity date. Aungst seconded the motion, all were in favor; motion carried 4 to 0.

ADJOURNMENT – At 8:32 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

Approved by the Board of Supervisors on December 9, 2009.