

PINE GROVE TOWNSHIP SUPERVISORS

175 OAK GROVE ROAD, PINE GROVE, PA 17963

OCTOBER 8, 2008 MEETING MINUTES

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CALL TO ORDER - Chairman Larry Zimmerman called the October 8, 2008 meeting to order with the Pledge of Allegiance at 7:00 PM. Attending were Supervisors Allen Aungst, Judith Lehman, Diane Tobin and Jerry Wise. Also present: Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Roadmaster Ralph Geist, Zoning Officer Clinton Koontz, Donald Wenrich, Bernie Kulkaski, Joan Schwer, other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS

- ♦ Donald Wenrich said he would like to comment on the September 10th meeting minutes before they are approved.
- ♦ Bernie Kulkaski said he would like to comment on Roberts Road if it came up for discussion.

MINUTES / FINANCIAL ITEMS

- ♦ **September 10, 2008 Meeting Minutes** – Donald Wenrich said after the executive session Zimmerman said the item would be taken off the agenda; Wenrich asked how it could be taken off the agenda if no decision was made. Zimmerman said he didn't say it would be taken off the agenda, he said for it to be put back on the agenda it would need a majority vote of the board. Wenrich read Zimmerman's comment as stated in the September minutes and Zimmerman asked DiNicola to comment.

DiNicola said it is an administrative item which he did not have a problem with. Wenrich said it is a resolution in the minutes that needs action and Zimmerman does not have the authority to take it off the agenda. Zimmerman said to Wenrich they don't have a problem with the legality of it and if he has a problem with it he should take it up with DiNicola through legal channels.

Tobin noted no official action was taken at the last meeting and there is still a motion on the books for the Zoning Officer to set office hours. Discussion followed on rescinding the motion to have the Zoning Officer set office hours.

Aungst moved to approve the September 10, 2008 minutes and Zimmerman seconded the motion. Tobin said in the minutes under the Roadmaster's Report it states she suggested the Board conduct a road tour but she actually said "if the Board conducts a road tour we should do it in November or December". Tobin added road tours are not required and we have a Roadmaster who knows what the roads are so the Board does not necessarily have to do the tour as they did years ago.

Aungst amended his motion to approve the September 10, 2008 minutes with Tobin's correction and Wise seconded the motion. Aungst, Wise, Zimmerman and Tobin voted in favor of the motion, Lehman opposed the motion; motion carried 4 to 1. Tobin moved to approve the minutes of October 2, 2008, Aungst seconded the motion; all were in favor and motion carried 5 to 0.

- ♦ **Treasurer's Report** – Zimmerman said the August General Fund beginning balance was \$439,767.73, August receipts were \$226,291.42, August expenses were \$246,989.90 and the General Fund ending balance at the end of August was \$419,069.25. Zimmerman said the General Fund beginning balance in September was \$419,069.25, September receipts were \$241,993.77, September expenses were \$302,702.91 and the General Fund ending balance is \$358,360.11; the Combined Funds ending balance is \$3,106,008.65. Lehman moved to approve August and September Treasurer's Report, Wise seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Approval of Bills** – Aungst moved to approve paying the bills totaling \$60,330.70, Lehman seconded the motion, all were in favor and motion carried 5 to 0.

PERSONS TO BE HEARD – No one requested to be on the agenda to be heard.

REPORTS

Committee Reports – None given.

REPORTS, cont.

Engineers Report / Planning Commission Report

- ♦ **Adams to Frantz Preliminary Final Plan** – Aungst moved to approve the plan, Tobin seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Larry L. Zimmerman Sketch Plan of Record** – Tobin moved to approve the plan and Aungst seconded the motion. Tobin, Aungst, Wise and Lehman were in favor of the motion, Zimmerman opposed the motion; motion carried 4 to 1. Zimmerman said he opposed the motion because the plan created a flag lot.
- ♦ **SALDO Final Draft** – DiNicola noted the October 29th public hearing at 7 PM on the revised ordinances which will be considered by the Board for adoption on November 12, 2008. Zimmerman moved to have the engineers put in the SALDO a requirement of submission of a digital file for major subdivision plans. Lehman seconded the motion, all were in favor and motion carried 5 to 0.

Landfill Inspector – No comments were received.

Recreation Board – No report was received.

Roadmaster – Lehman said she asked the Roadmaster about a five year study on the roads and Geist came up with a plan. Lehman submitted copies of the five year road paving plan to the Board. Zimmerman asked Geist what his feelings were on having the grader set up for snow plowing because there is nothing with a V-plow to use when it drifts. Geist said he doesn't see the need for it because they have the loader and the dozer. After discussion, the Board asked Geist to get prices to have the plow put on the grader.

- ♦ **Line Striping** – Ferguson said the invoice was not included in the bills for approval because we have not received the certifications from the company. Aungst said he will be meeting with PennDOT rep Joe Kretulskie on October 15th to discuss the line striping job.
- ♦ **Road Inspection Tour** – Aungst moved to advertise a road inspection including a review of the speed limits on November 15th at 8 AM. Zimmerman seconded the motion, all were in favor and motion carried 5 to 0.

Zoning Officer – Zimmerman said there were seven permits in September. Tobin said for the record, since Clint is here, there is a valid motion on the books in the minutes for the Zoning Officer to establish day and evening office hours. Zimmerman moved to take the motion off the record and Wise seconded the motion. Zimmerman, Wise and Aungst voted in favor of the motion, Tobin and Lehman opposed the motion; motion carried 3 to 2.

Donald Wenrich said "Point of Order" and asked Zimmerman what the difference was between "take a motion off the record" and "rescind a motion". Zimmerman said a motion can only be rescinded by the person who made the motion. Wenrich said rescinding it is the only way to take it off and they are out of order; either it is rescinded or it stays on. Chairman Zimmerman moved on to the next agenda item.

OLD BUSINESS

- ♦ **Landfill Gas Proposed Agreement** – DiNicola said the Board of Supervisors needs to discuss terms of the draft agreement in an executive session.

Executive Session – *At 7:46 PM the Board of Supervisors and DiNicola entered into executive session. The meeting resumed at 8:02 PM.*

DiNicola said the Landfill offered a gas royalty benefit retro to the date revenue was generated; a benefit of 3% as long as the landfill receives revenue or a minimum of \$10,000 per year (for a maximum of ten years). DiNicola said the ability to negotiate is limited and the Board should consider a motion to put the agreement into final form, he feels they are at a point where they have extracted everything they can from the landfill.

Landfill Gas Proposed Agreement, cont.

Wenrich said he doesn't know how they can make a decision without knowing what the 3% might be. DiNicola said it is safe to assume the 3% will be less than \$10,000 right now and the payments are retroactive to the date revenue was received.

Bernie Kulkaski asked who owns Pine Grove Energy and DiNicola said he believes it may be an Ingenco entity. Discussion followed on the revenue from the gas at the landfill and Lehman said she would ask the landfill about Pine Grove Energy.

Tobin moved to authorize DiNicola to notify the Landfill to put the agreement in final terms for his review and for the Board to consider for adoption at the November meeting. Zimmerman seconded the motion, all were in favor and motion carried 5 to 0.

DiNicola excused himself from the meeting at this time.

- ♦ **Contractors Ordinance** – Zimmerman tabled the item until next month.
- ♦ **Landfill Host Fees Proposed Advisory Board** – Lehman said she has been putting together a proposal for the Board to look at, but does not have all the information. Lehman said she would like the Board to consider a committee formed of seven to nine people to help with decisions on how to spend the host fees because she watched the money disappear and wonders what happened to it. Wenrich said this indicates all the money is not there. Lehman said no, she doesn't know where it was spent and there was approximately \$5 million received. Wenrich asked if she wants an audit. Lehman said no, she wants a committee to help decide if the money is going to be spent or if only the interest will be spent.

Aungst said he thinks the Board could decide how to spend the money. Zimmerman said of the approximate \$5 million received, \$3.2 million is in the bank, \$1 million was given to the fire companies, a quarter million was spent on the Township building and they bought a loader, backhoe, grader and two new trucks. A lengthy discussion of the host fees followed and the item was tabled until next month.

NEW BUSINESS

- ♦ **Trick or Treat Night** – Zimmerman moved to hold it on October 27th from 6 to 8 PM. Tobin seconded the motion, all were in favor and motion carried 5 to 0.

CORRESPONDENCE

- ♦ **Pine Grove Borough Request for Parade Route** – Tobin moved to approve the Borough's request to use Township roads for detours during the Halloween parade on October 18, 2008. Zimmerman seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Pine Grove Borough Request for Fire Hydrant Budget** – Zimmerman said the Borough requested an increase in the donation amount for fire hydrants located in the Township. After discussion, Tobin moved to send a letter to the Borough request information on the number, location and maintenance of the hydrants. Lehman seconded the motion, all were in favor; motion carried 5 to 0.
- ♦ **Pine Grove Borough Request for Volunteer Ambulance Worker's Comp Share** – Zimmerman moved to pay the Borough \$604.92 for the Township's share of the Ambulance Associations Worker's Comp. Lehman seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **PennDOT Decision on Reimbursement for Bridge Cleanout** – Aungst said the letter denied payment, he talked to the public officials and a letter is being written from Mr. Holden's office to PennDOT; we are still pursuing it. Wenrich said everyone else got paid and asked on what basis they denied our claim. Aungst said they said we did not have permission to do it. Zimmerman said we did not have to get their permission, we were doing their job.
- ♦ **Larson Design Group, Surface Mining Permit** – Zimmerman said the permit is a notification of mining of a shale bank and it will be regulated by DEP.

CORRESPONDENCE, cont.

- ♦ **Conservation District** – Zimmerman said correspondence was given to him on spraying for gypsy moths. Zimmerman said it explains their reasons for not spraying in the County.

PUBLIC COMMENT

- ♦ **Donald Wenrich** said wind generators in most places get taxes from them and asked if the Board has done any research on how we might get revenue from them. Zimmerman said no research had been done, discussion followed.
- ♦ **Wenrich** asked Aungst and Wise why they changed their minds after voting for the original motion to have the Zoning Office establish office hours. Aungst said Clint is a 24/7 type situation right now and anybody can call him and he will meet with them at anytime, after re-evaluating it he didn't feel it was necessary to have the hours. Wenrich said that was the case when the motion was first made, things haven't changed. Wise said that isn't true, he had agreed they should look into the potential for hours and he talked to Clint on different occasions regarding the hours. Wise said a meeting was set up to discuss the hours, he and Clint were here and Diane came but the meeting never happened. Joan Schwer asked why the meeting did not happen and Wise asked Tobin if she wanted to answer that. Tobin said they have been advised not to discuss it. Wise said at this point he feels there is no change necessary as he sees it as far as his hours. Wenrich said he has never had a problem reaching Clint but he has heard a lot of complaints and he thinks it would be good for him to have office hours.
- ♦ **Bernie Kulkaski** asked if the road tour on November 15th will include checking the speed limits also and the Boards said yes.
- ♦ **Bernie Kulkaski** asked if they said the fire companies received \$1 million from the landfill and Zimmerman said yes. Kulkaski asked if they are subject to audits and Zimmerman said they give us a report once a year on their expenditures and so forth. Discussion followed on the donations to the fire companies and the state of their finances.
- ♦ **Aungst** said there is a meeting here tomorrow at 2 PM with the other municipalities to discuss the UCC program.
- ♦ **Tobin** said she received information on the County's Transportation Improvement Plan (TIP) and there was money put into the TIP schedule for the Rt. 645 bridge. Tobin said nothing is promised, but provided the money is not rerouted, the bridge will possibly be replaced.
- ♦ Ferguson said Cathy Moyer (Office Assistant) submitted her letter of resignation today. Aungst moved to regretfully accept Moyer's resignation. Lehman seconded the motion, all were in favor and motion carried 5 to 0. Aungst moved to advertise the part-time position immediately in the Pottsville Republican and Press Herald newspapers. Tobin asked Ferguson if a part time person is what is needed and discussion followed.

Wise left the meeting at 9:15 PM.

Lehman seconded Aungst's motion to advertise the part time position, all were in favor; motion carried 4 to 0.

Tobin moved to authorize Ferguson to hire temporary office help until someone is hired, Zimmerman seconded the motion, all were in favor and motion carried 4 to 0.

ADJOURNMENT - At 9:21 PM Aungst moved to adjourn the meeting, Zimmerman 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 11/12/08.