

PINE GROVE TOWNSHIP SUPERVISORS  
175 OAK GROVE ROAD, PINE GROVE, PA 17963  
NOVEMBER 14, 2007 MEETING MINUTES



**CALL TO ORDER** - Chairman Larry Zimmerman called the November 14, 2007 meeting to order with the Pledge of Allegiance at 7:00 PM. Attending were Supervisors Allen Aungst, Jerry Wise, Herman Clemens and Judith Lehman. Also present: Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Donald Wenrich, Bernie Kulkaski, Trudy Gates, Don Simpson, Tom McMullen, Terry Ritzman, Diane Tobin, other residents; list on file.

**PUBLIC COMMENT ON AGENDA ITEMS**

- ♦ Donald Wenrich said he would like to address two subjects in last month's minutes.
- ♦ Bernie Kulkaski said he would like to comment on the proposed budget.

**MINUTES / FINANCIAL ITEMS**

- ♦ October 10, 2007 Meeting Minutes
- ♦ October 15, 2007 Budget Meeting Minutes

Aungst said the minutes of October 10<sup>th</sup> state he "directed the Roadmaster to get a "No Littering" sign for Brookside Road". Aungst said it was not an individual direction, but a copy of prior month's minutes where the Board voted to get a sign.

Aungst moved to approve the meeting minutes from October 10, 2007 and Wise seconded the motion, all were in favor and motion carried 5 to 0.

Aungst moved to approve the minutes from October 15, 2007 and Wise seconded the motion. Aungst, Wise, Zimmerman and Lehman voted in favor of the motion and Clemens abstained from voting, stating he was not present at the meeting. Motion carried 4 to 0.

- ♦ **Treasurer's Report** –The beginning balance of the General Fund was \$272,460.85, October General Fund receipts were \$35,271.82, October General Fund expenses were \$58,434.75, and the ending balance of the General Fund is \$249,297.92. The Combined Township Funds ending balance is \$2,674,026.13. Clemens moved to approve the Treasurer's Report, Aungst seconded the motion, all were in favor; motion carried 5 to 0.
- ♦ **Approval of Bills** - Aungst moved to approve paying the bills totaling \$17,834.98, Lehman seconded the motion, all were in favor and motion carried 5 to 0.

**PERSONS TO BE HEARD**

- ♦ **Matt Williard** from Light-Heigel presented the 2008 SEO Fee Schedule saying there were no rate changes and they have four sewage enforcement officers again. Trudy Gates asked for information on what they do and Williard explained on-lot septic systems, soil testing etc. Zimmerman noted problems should be reported to the Township to refer to Light Heigel. Don Simpson asked if they have anything to do with water quality at Swatara Creek and Zimmerman said they would have to talk to Mr. Feeser, the developer about that. Bernie Kulkaski asked how the township determines where public sewer is needed. Williard said the Township's Act 537 Plan has it in, but they could review the plan if the Township wanted them to.
- ♦ **Bernie Kulkaski** said he feels the vote to go back to three supervisors in the election was a vote against the current Board and done in order to change the Board faster. Kulkaski commended Aungst for his work on trying to get the people to vote to keep it at five supervisors and said he feels having only three gives them too much power. Kulkaski spoke about the Board not taking action on flooding and other issues, the

hostility he feels exists between the Township and the Borough and he spoke about Pine Grove Township merging with Pine Grove Borough because of duplication of expenses etc.

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**PERSONS TO BE HEARD, cont.**

**Kulkaski** also asked Aungst if he is going to resign (as he had reportedly stated) since it is going back to three supervisors. Aungst said he has no intention of resigning from the five member board, he was elected to serve and he intends to fulfill that responsibility. Aungst said he doesn't see the dissension in the community that Kulkaski indicates. Aungst also said the Board has done something about the flooding and the Stormwater ordinances will be part of our Comprehensive Plan.

- ♦ **Don Simpson** asked if Waste Management has a facility in the Township. Aungst responded with the tonnage fee and other information. Simpson asked about inspections and Lehman was introduced as the Host Municipal Inspector, she explained the inspection process.
- ♦ **Donald Wenrich** said he would like to comment on the Landfill gas and the Paraclete letter and requested his comments be recorded in the minutes.

Wenrich said when the Landfill gas was discussed, it was stated there is no contractual agreement it is just verbal. Wenrich said there is a contract on Landfill gas in the Host Agreement on page 13 and he read part of the agreement.

Aungst said last month they decided to send a letter to Pine Grove Landfill regarding the sale of gas. Ferguson said the letter had not been sent to the Landfill and apologized for the error. Wenrich said it was in the Landfill's place to contact us because we didn't know when the gas became commercially available. DiNicola said the language in the agreement does not place a duty on the Landfill to contact the Township.

Wenrich said the letter sent to the **Paraclete Foundation** violated the Sunshine Act Section 10-1\* (public participation), because the letter was not read to the public and they were not given an opportunity to comment on it. Wenrich discussed the financial information Paraclete gave and said the Township letter commits other supervisors to a meeting.

Aungst said the Board did not obligate the Township to any financial responsibility. Wenrich read the letter the Board sent to the Paraclete Foundation. Aungst said the key is the phrase "to determine if our community or district will economically support the facility on an annual basis at a said amount". Wenrich said the Board already knew what that is because of the survey they took where the citizens said they do not want to be taxed for the library. Aungst said it doesn't say we are going to tax. Wenrich said the letter contains funny language and since it wasn't a valid motion, they should rescind it and make another one. Clemens said the letter is not a contract. DiNicola said he stands by his opinion the letter doesn't commit the Township to anything now or in the future, the letter was a condition required by one of the Paraclete Foundation's lending facilities.

\* Act 93  
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**REPORTS**

**Engineers Report / Planning Commission Report**

- ♦ Andersen/Brown Sketch Plan of Record Planning Waiver & Non-Building Declaration Request - Aungst moved to grant the waiver request, Lehman seconded the motion, all were in favor and motion carried 5 to 0.

- ♦ Tom Feeser Request for Reduction in Letter of Credit – DiNicola said the request was approved by the Township engineer. Zimmerman moved to approve a reduction in the letter of credit for Swatara Creek CLC in the amount of \$7,780.30. Clemens seconded the motion, all were in favor and motion carried 5 to 0.

**Health Officer** – The Board reviewed the report for the Sweet Arrow Lake Road property, no new action was taken.

**Landfill Inspector** – Aungst asked when the landfill anticipates taking in garbage, Lehman said approximately the second week of December. Wise asked about samples that failed a test and Lehman explained the technician had not put the sample into the machine correctly and a second sample was sent out. Wise asked where the samples come from and Lehman said it comes right from the pad.

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#### **REPORTS, cont.**

**Recreation Board** – No meeting was held due to a lack of quorum. Aungst said the hill in the recreation parking area was moved for fill, but more fill is needed in the lower part of the recreation area for the walk area. Lehman asked if they would take it from the Landfill. Aungst questioned if they could do that and Ferguson said the Zoning Hearing Board restricted the Landfill to not take the soil off site. Aungst said Lehman should check to see if the Landfill has some available and they could address the other issues at the next meeting.

Tom McMullen asked if the original plans for the Recreation Area were revised; Aungst and Zimmerman said no. McMullen said the plans called for a pavilion with sanitary facilities and after ten years it is disgusting that we have an outhouse there. Aungst said the Recreation Board should be moving along with it, Zimmerman said the Board has not turned down anything the Recreation Board asked for. Aungst said ideally it will come along within the year.

**Roadmaster** – Roadmaster was not present. McMullen asked what they are going to do about sealing the roads. Aungst said \$4,000 was spent to test sealing the roads. McMullen said it covered about one mile and to do all the roads in the Township it would cost \$160,000; a buggy would cost \$35,000 and the road crew could do it. Discussion followed on sealing the roads. Aungst said they will evaluate the product used over the winter to see if it stays in the cracks. Lehman said she had a company come in and would have liked to purchase a tar buggy, Zimmerman said he would rather see one rented.

**Zoning Officer** – Zoning Officer was not present; Zimmerman said there were six permits approved for October. Lehman questioned the Gooseberry Realty occupancy permit and asked if it is in the ordinance for the Zoning Officer to give out occupancy permits. Lehman said Light-Heigel gives occupancy permits and they have not received anything. Zimmerman said she should check into it. Lehman said he told her before our Zoning Officer does not go around the Township and police our ordinances; but our ordinances and handbook definitely state he is to handle that. Lehman said there is a problem in the township and she has had complaints. Lehman said she understands the final permit is the UCC permit from Light-Heigel. Aungst said not for Gooseberry because it is a commercial facility and they do not fall under the UCC regulations. Zimmerman said they fall under Labor & Industry, Light-Heigel does residential.

#### **OLD BUSINESS**

**Executive Session** – The Board and Ferguson entered into Executive session at 8:18 PM on personnel matters. At 8:40 PM the meeting resumed.

- ♦ Office Assistant Position – Clemens moved to hire Joelle Bretz as the part time office assistant at 20 hours per week, Lehman seconded the motion. Clemens, Lehman, Zimmerman and Aungst voted in favor of the motion and Wise abstained; motion carried 4 to 0. Wise said he abstained because he was related to one of the applicants for the position.
- ♦ Landfill 2002 Assessment Appeal – DiNicola said the Landfill agreement was reached several months ago for the appeal. Clemens moved to authorize DiNicola to sign the stipulation for the Landfill 2002 Assessment Appeal, Zimmerman seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ Cameron Wise Eagle Scout Project Letter – Zimmerman read the draft letter stating Cameron Wise has completed his project to build a handicap accessible sheltered picnic table at the Recreation Area. Aungst moved to approve the letter, Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ 2008 Proposed Budget – Kulkaski asked if the Sanitation revenue is from tipping fees. Ferguson said it also includes revenue from the recycling bins and from hosting the Fall Cleanup. Kulkaski asked if the revenue would go on for the next four years and Lehman said it is the maximum estimate and could vary. Aungst said the Landfill estimated 2.3 million dollars in 4 ½ years. Kulkaski said more than 50% of our money is coming from the Landfill and Aungst said none of it is used in the budget.

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**2008 Proposed Budget, cont.**

Zimmerman noted the budget was advertised for adoption at the December meeting.

**NEW BUSINESS**

- ♦ Local Services Tax (formerly Emergency Services Tax) – DiNicola said there is a need to amend our EMS tax to change the name and change the withholding schedule for employers to a weekly basis. Zimmerman moved to have DiNicola prepare and advertise the necessary amendments to the EMS tax ordinance for possible adoption at the December meeting. Lehman seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ PMRS Excess Interest Allocation – Ferguson gave the Board information on the allocation of the excess interest from the pension plan and recommended the Board allocate it to the members accounts as they did last year. After review, Aungst moved to allocate the interest to the members accounts in the same way as last year, Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ Recreation Board Application – Aungst recommended the Board table this until the re-organization meeting as the current vacant term expires in January. Item was tabled.
- ♦ PP&L Agreement – Zimmerman said PP&L has a right-of-way agreement we need to sign to remove the pole at the Recreation Area. Aungst moved to approve the PP&L Agreement, Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ Census Bureau Form – Aungst said it is important for us to participate in the census and reviewed the options on the form, saying he thought we should go with Option 1 and get a list from them to review. Diane Tobin suggested the Township get a list of addresses from the 911 Center and send it to the Census Bureau. After discussion, Clemens moved to send a list of addresses from the 911 Center to the Census Bureau (Option 2). Zimmerman seconded the motion. Clemens, Zimmerman,

Aungst and Wise voted in favor of the motion, Lehman opposed the motion, motion carried 4 to 1.

- ♦ Insurance Liability Review – Ferguson said she did the evaluation with the insurance representative as Heinbach was not available. Ferguson said she received the report today and listed the things needing to be changed. Ferguson said shields are needed for the table grinder, the gas cans in the shop need to be in a special cabinet, reflective tape was recommended for the sides of the truck beds and a barrier need to be placed around the propane tank at the back of the building. Ferguson said there is a list of items the fire companies should be giving us to be covered under our Workers Comp and suggested sending the fire companies a letter. Ferguson noted the Roadmaster has already purchased a cabinet for the gas cans and reflective tape for the trucks; he is looking for shields for the grinder. Ferguson said the insurance representative also said our personnel handbook should be updated. Zimmerman moved to have the road crew get concrete barrier and place it around the propane tank, Aungst seconded the motion, all were in favor and motion carried 5 to 0. The Board said Ferguson should write a letter to the fire companies about the items needed.
- ♦ Auditor Resignation – Zimmerman moved to accept the resignation from elected auditor Diane Tobin, Clemens seconded the motion, all were in favor and motion carried 5 to 0. Lehman moved to send Tobin a thank you letter, Aungst seconded the motion, all were in favor; motion carried 5 to 0.

Zimmerman said to put it on our agenda for December to appoint a new auditor.

## **CORRESPONDENCE**

- ♦ Aviation Hearing Transcript - Zimmerman said the transcript is available for anyone to read.
- ♦ Brian Schach Complaint – Aungst said there is a complaint of garbage being dumped and a request for a no littering sign. Lehman asked if the Board had put up signs for others that requested it. After discussion, Aungst moved to purchase and install a sign on 2 ½ Mile Road, Wise seconded the motion. Aungst, Wise, Clemens and Zimmerman voted in favor of the motion, Lehman opposed the motion and motion carried 4 to 1.

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## **PUBLIC COMMENT**

- ♦ **Terry Ritzman** asked if the requirements Ferguson mentioned pertain to fire company members only or if it includes the fire police. Zimmerman said only the members and permission to go to parades, etc. should be included.
- ♦ **Diane Tobin** asked when the re-organization in January is. Ferguson said it is officially the first Monday of the year, in 2008 it will be January 7<sup>th</sup>.
- ♦ **Tom McMullen** said he would like to be considered for the auditor position.
- ♦ **Donald Wenrich** asked if we got money back for the flooding from FEMA. Aungst said he would discuss it with his comments. Wenrich asked where we stand with Newstead, either getting the money or recreation area. Ferguson said the plan had not been submitted. Zimmerman said the engineer had asked for a waiver of the fees before the plan was submitted.

**Wenrich** said when the referendum came up to go back to three supervisors, Aungst and Wise voted against it at the supervisors meeting and Aungst had said that is what his people wanted. Wenrich said Aungst does a lot of work and people would appreciate him more and Wise if they weren't so biased towards C.L.E.A.N. Wise said he is not biased toward C.L.E.A.N., he just doesn't feel the landfill should be in

our community. Aungst said if they wouldn't have complained maybe the Longenecker tract would be a landfill too.

- ♦ **Bernie Kulkaski** asked how the Solar Innovations project is developing and the funding for the culvert because the sign is not working; he still has a lot of turn around traffic in his driveway. Aungst said the sale of the property did go through, the funding has been finalized and last week he was told the funding for the culvert would be available on a grant basis. Discussion on our plows turning around in his driveway was held.
- ♦ **Aungst** said we received \$34,000 from FEMA for the clean out under the bridges and PennDOT denied our request for reimbursement. Aungst said Bill Hanley has been working on it and requested we send a letter to PennDOT appealing their decision. After discussion, Zimmerman moved to have Aungst draft a letter to PennDOT to circulate to the Board. Clemens seconded the motion. Zimmerman, Clemens, Aungst and Wise voted in favor of the motion, Lehman opposed the motion, motion carried 4 to 1. Lehman stated she was at the meeting in the Borough where it was stated we were not going to be reimbursed. Aungst said that was what they initially said.
- ♦ **Clemens** turned his key and books in and also read a statement to the Board. Clemens statement (on file) commented on permits, the need to reduce taxes, suggested a Township manager, cutting costs by reducing road crew as current employees retire, having a guaranteed state police patrol for the Township, and suggesting when residents identify a problem they also suggest solutions.
- ♦ **Lehman** said, for the record, when she asked if the bridge clean up must go out on bid, this Board told her "No, it is an emergency." Zimmerman said it is the only way we could get money from FEMA and Wise asked her why it is not an emergency. Lehman said she called PSATS and an emergency is when a bridge is washed out and there are residents in danger, that is when you can just hand it to a contractor. Wise said we had to wait to get the equipment, Lehman said she has been told it is not considered an emergency.
- ♦ **Ferguson** reminded the Board they have received the draft copy of the SALDO from Benesch and suggested they give comments to the office to be typed for Benesch. The Board decided to have comments ready for the January meeting. Kulkaski asked when the public could comment on it. Tobin said she could put it on the Township website.
- ♦ **Ferguson** asked when the Board wants to have the January Township meeting, saying the second Wednesday falls two days after the re-organization meeting and very few of the bank statements would be available. Zimmerman moved to have the Township meeting the same night as the re-organization meeting, Wise seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Ferguson** asked the Board what the hire date should be for the new assistant to start. Zimmerman moved for the new office assistant to start on November 26, 2007. Clemens seconded the motion, all were in favor and motion carried 5 to 0.

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### **PUBLIC COMMENT, cont.**

- ♦ **Ferguson** said in the Landfill Host Agreement it says we need to provide two things to them before the beginning of the year. Ferguson said one item is a list of current residences along the haul route in Ravine that qualify for \$500 or two house washings per year. Ferguson said the second item is a list of names and addresses of each owner of residential property in Pine Grove Township for receiving \$50 per year or two disposal coupons. Discussion followed on the lists needed. Zimmerman

said he will get the property listing for the homes in Ravine. It was decided to try to get a digital list from the 911 Center and provide that to the Landfill for them to use in a mailing.

## **ADJOURNMENT**

At 10:25 PM Zimmerman moved to adjourn the meeting, Clemens 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 December 12, 2007.**