

PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
JUNE 8, 2005 MEETING MINUTES



CALL TO ORDER

Chairman Larry Zimmerman called the June 8, 2005 meeting to order at 7 PM and opened the meeting with the Pledge of Allegiance. Attending were Supervisors Diane Tobin, Allen Aungst and Jerry Wise. Also present were Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Judith Lehman, Clinton Koontz, Jamie Keith, Donald Wenrich, John Myers, Lillian Patten, Michelle Porter, Terry Ritzman and other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS – No comments.

MINUTES / FINANCIAL ITEMS

- ♦ **May 11, 2005 Meeting Minutes**
- ♦ **June 1, 2005 Special Meeting Minutes**
Aungst moved to approve the minutes for both dates, Tobin seconded the motion; all were in favor and motion carried 4 to 0.
- ♦ **Treasurer's Report** - Zimmerman said the General Fund beginning balance was \$149,442.82; May General Fund receipts were \$73,124.03, May General Fund expenses were \$40,545.47 and the ending balance of the General Fund is \$182,021.38. Zimmerman said the Capital Reserves fund ending balance is \$1,968,062.02; the Liquid Fuels Fund ending balance is \$147,015.72 and the Combined Fund ending balance is \$2,297,099.12. Ferguson said included in the May receipts is a refund of \$804.98 received from the Federal Government for excise tax paid on fuel purchased in 2004. Ferguson told the Board they also received a check of \$21,691.84 from DEP under the Act 101 grant to reimburse the Township for the Host Municipal Inspector's expenses in 2004. Ferguson said it covers over 55% of Judy Lehman, Host Municipal Inspector's 2004 expenses because the Township also gets reimbursed for some of Dan Grow's (County Recycling Coordinator) expenses. Aungst moved to approve the Treasurer's Report, Wise seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ **Approval of Bills** - After reviewing the list, Zimmerman moved to approve paying the bills; Aungst seconded the motion, all were in favor and motion carried 4 to 0.

REPORTS

Engineers / Planning Commission Report

- ♦ **Hampton Inn Planning Module** - Aungst asked why it was checked for public water supply, non-community. Zimmerman said it would be a well they will drill and maintain. Tobin said that is what they would do if they can't get public water. Zimmerman questioned why the Planning Commission marked question # 4 on their checklist N/A when DEP states in their instructions not to mark anything "not applicable". Zimmerman questioned if they should approve it and send it to DEP, saying it would delay the module another month if DEP sent the module back. Solicitor DiNicola said the Board can reject it in anticipation that DEP will reject it. Jamie Keith, Vitillo Corp., representing Hampton Inn stated to the board that he would prefer they approve the sewage module resolution tonight and send it to DEP now, rather than rejecting it and sending it back to the Planning Commission for changes. Zimmerman moved to approve the Hampton Inn Sewage Planning Module Resolution # 2005-06, Wise seconded the motion, all were in favor; motion carried 4 to 0. Keith submitted a check for DEP to Ferguson to mail in with the planning module.
- ♦ **Leon Stager Lot #1 Plan and Planning Module** - Tobin read the Planning Commission's approval with conditions as noted in their minutes. Zimmerman asked if the condition of a written statement concerning the planned use of the rest of the land is

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in our ordinances. Ferguson read Section 4.15 of the ordinance from the engineer's review letter that states the developer shall include a statement indicating proposed future land use for the un-submitted portion of the property. Aungst moved to approve the Stager planning module and plan contingent upon DEP's approval of the sewage planning module and also contingent upon receiving a written statement regarding the planned use of the remaining land. Tobin seconded the motion, all were in favor and motion carried 4 to 0.

- ♦ **Swatara Village Lot Annexation** - After the Supervisors reviewed the plan, Tobin noted the Planning Commission's minutes state the engineer said all the necessary adjustments to the plan have been made. Tobin moved to approve the Swatara Village Lot Annexation plan, Wise seconded the motion, all were in favor; motion carried 4 to 0.
- ♦ **Barr Parcel "A"** - Ferguson asked the Supervisors to note the condition the Planning Commission has in their minutes and asked how to verify that condition is met. Tobin said apparently there had been a discussion with Mr. Barr and Mr. Hoy about a right of way to the Archery Club. Tobin said that Hoy is buying a piece of property from Barr and annexing it onto the Hoy property, the Hoy deed would have to show the right of way after the plan is recorded. DiNicola said the right of way on the additional land, Parcel "A", that Hoy is getting from Barr needs to show the right of way for the Archery Club; the Planning Commission does not want it to be verbal only, they want the new deed to reflect the extended right of way. Zimmerman moved to approve the plan contingent upon receiving and Solicitor DiNicola's review of a draft of the deed showing the extended right of way for the Archery Club. Aungst seconded the motion, all were in favor and motion carried 4 to 0.

Landfill Inspector - Ferguson reported that Lehman completed her re-certification as Host Municipal Inspector and added that part of the course materials now used in training new Host Municipal Inspectors is a direct result of the work Lehman has done at the Pine Grove Landfill; they took some of the materials she helped design and the work she did to use as a standard for training others to do their job thoroughly. Tobin commended Lehman on a job well done.

Roadmaster - No comments.

Zoning Officer - Koontz asked if the Supervisors got a response to a letter he sent to Kramer. Aungst said it came to his home and Zimmerman said he did not receive a letter. Ferguson said the letter was not received at the office. Koontz said the letter says the Township has a 20 day deadline to take our letter back. Aungst asked if there is any other action to be taken on the issue and Koontz said we have to wait to see if they clean it up. Tobin said she received the letter and asked Koontz if he went to the property and if he identified himself when inspecting the property. Koontz said yes he did to the neighbor and asked to cross their property, he had his business card with him, but the neighbor said no.

OLD BUSINESS

Equipment Bid Opening - Zimmerman opened the one sealed bid received from Craig Unger and the bid was \$1,000.00 for the 1961 Galion grader and a bid of \$500.00 for the 1981 International truck. Aungst said he thought they should take them to the auction. Zimmerman said they could take it to the scrap yard and get more than the bid. Aungst moved to reject both bids because the board felt the items have a higher value than the amount offered. Zimmerman seconded the motion, all were in favor; motion carried 4 to 0. Zimmerman said if anyone can come up with an idea to sell the items, they should bring it to the Board at next month's meeting.

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North End Fire Co. / Girl's Softball Assoc. Subdivision Fee Waiver - Supervisors discussed the plan Heath Machamer presented last month to subdivide between the ball fields and give part of the land to the Girl's Softball Association, noting that most of the land is in the Borough. Zimmerman moved to waive submission fees for the subdivision plan for North End Fire Company and the Girl's Softball Association Subdivision, Wise seconded the motion; all were in favor and motion carried 4 to 0.

Stanhope Improvements Agreement - Solicitor DiNicola said he has a copy of the agreement and received an estimate of the costs to do the improvements from the developer on June 2nd, it was sent to the engineer for review. DiNicola said that when the engineer approves the cost estimate, he is ready to send the agreement to the developer and his bank; he is using an irrevocable line of credit from a bank in Leesport. DiNicola added that the Planning Commission has the Stanhope final plan on their agenda in July.

EMS Tax - Tobin said at the special meeting that was set up with Berkheimer, Jim Bush gave the information that Ferguson listed in the minutes. Tobin noted that Bush said they would go back seven years for lost revenue on businesses that should be listed under the Township. Zimmerman asked Aungst if he had given anyone else the list with his notes that he gave to him. Aungst said no. Zimmerman said it was the list of businesses from Berkheimer they were talking about going over. Aungst said he wrote down businesses that he did not see on the list. Tobin said we need to submit a list of all the companies that should be listed under Pine Grove Township and Berkheimer will go through their records and do an audit to give us an estimate of the amount of tax involved. Aungst asked if we need to put the number of employees on the list we submit to Berkheimer, Ferguson said no, we would not have that information and Berkheimer would investigate that; Tobin added that the number of employees at a business could fluctuate each year. Tobin said Ferguson could submit the list that Aungst worked on to Berkheimer for an estimate. Aungst said there are probably a lot more than he listed; he had checked the phone book for business listings. Tobin said if they have a copy of Aungst's list then they would not duplicate his work. Wise suggested they each take a copy of Aungst's list and add to it. Tobin said the Board needs to decide how many years they want to ask Berkheimer to audit; five, six or seven years. Donald Wenrich asked if the taxes were collected by the Borough or if they were never paid. Tobin said both and said she didn't think Berkheimer would go after the businesses that hadn't paid. Ferguson said she thought Berkheimer would go after the businesses that had not paid because they collect delinquent per capita tax and said we shouldn't be concerned how much work we make for Berkheimer, we only pay a commission to them on what they collect. Wenrich asked if the Borough collected the tax, would they be responsible to reimburse the Township. Aungst said that it is Berkheimer's problem and Tobin said it is up to Berkheimer how they work it out. Aungst said they should not go after the Borough; it is probably because Berkheimer coded them to the wrong municipality. Tobin said it is the business's responsibility to report to Berkheimer. Wenrich said the business should know if they were in the Borough because they paid property tax. Tobin said she thinks they should go back seven years. Zimmerman said everyone should add to the list and give it to Ferguson to type for Berkheimer. Tobin said Ferguson needs to know how many years to ask them to check. Zimmerman agreed that it should be seven years. Aungst asked if the list would have changed in the last three years. Tobin said Berkheimer has those records, which is what Ferguson is saying; we just give them the list and they will go back through each year's records. Aungst said there are some businesses that are only in business one or two years. Tobin said it will be up to the business to prove to Berkheimer how long they have been in business; we give the list to Berkheimer and they will do the work. Ferguson said Berkheimer had been providing the list to the Township in previous years, but discontinued it because no one reviewed the list. Tobin said it must have been a long time ago, she never saw the list. The Board agreed that Ferguson should send a letter requesting Berkheimer go back seven years with the list after the Board has made additions to Aungst's list.

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NEW BUSINESS

- ♦ Ferguson reported there was a problem with the new air conditioning system not working last week; Hlavaty's said it needs a new IFC (integrated furnace control) board, it was defective and they have a new one on order. Ferguson also reported the copier is broken and the repairman said it was a part in the motor and noted the copier is getting old. Ferguson said the copier should be fixed by Friday.

CORRESPONDENCE

- ♦ **County Fall Clean Up** - Schuylkill County Office of Solid Waste sent a letter asking Pine Grove Township to host a site during its annual fall clean-up event scheduled the week of September 19, 2005. After discussion, the Board directed Ferguson to send a letter to the County stating they would like the opportunity to be offered to Washington Township and Pine Grove Borough; if both municipalities turn down the opportunity, then Pine Grove Township will again act as host site for the fall clean-up.

PUBLIC COMMENT

- ♦ Sallie Deichert asked about the EMS tax and the companies that were in business seven years ago and no longer in business, where will they get the information on them. Tobin said we are adding to the current list. Deichert asked if they are adding companies that had been in business, but no longer are. Aungst said they are adding companies that are in business today.
- ♦ John Myers introduced himself and said he sent in an application for a future vacancy on the Planning Commission. Myers said he grew up in Pine Grove and moved back about six months ago. Myers said as an architect he would be qualified for the position and would welcome the opportunity to serve on the Planning Commission should a vacancy come up. Myers asked in regard to the EMS tax if the Township keeps business permits on record to use for making a list for Berkheimer, Zimmerman said no.
- ♦ Wenrich said when the Board negotiated the Pad 12 agreement with the landfill; there was a clause in it that said the Township agrees to declare the agreement as a benefit to the Township. Wenrich said at a later meeting Zimmerman and Aungst declined to agree to that. Wenrich asked if they declined to agree to that because they were looking out for the benefit of the people and the people outweighed the money; because the agreement was signed to get money for the Township if it went into effect. Aungst and Zimmerman said yes. Wenrich said to Aungst and Zimmerman that they declined to acknowledge that clause in the agreement when Tobin brought it up at a subsequent meeting. Wenrich said he is trying to understand why they have two opposing views. Wenrich asked Aungst and Zimmerman if they declined to acknowledge the clause the second time because they were looking out for the benefit of the people, the environment, and the good and welfare of the township populace. Aungst said they all agreed on the (Pad 12) agreement, but he thinks it may have been later on in a letter they were requested to send to DEP that he and Zimmerman declined. Aungst confirmed that they were trying to look out for the welfare of the people. Wenrich said the other month money outweighed the welfare of the people. Wenrich said when the fire company sustained damage to their equipment, Zimmerman said the equipment is more important than the people and said Aungst did not disagree with him, the only one who opposed Zimmerman's statement was Wise. Aungst said he hopes that was not the case. Wenrich said one time it is people that are important to them and one time it is money. Wenrich said he would like to see some consistency and would like to see the people come first; when equipment comes before the people, there is definitely something amiss.

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- ♦ Michelle Porter asked if the EMS tax was originally collected by the Borough and DiNicola said it is currently under investigation by Berkheimer. Porter asked who will be responsible for the reimbursement and Tobin said it is up to Berkheimer, we don't know at this point.
- ♦ Tobin said when she and Wise last met with the fire companies; Suedberg indicated that they have no interest in a merger at this time.
- ♦ Tobin said she has been approached by businesses at I81 about public water; they are in pursuit of public water and the Borough does not want to give them public water. Tobin said she is not sure what the Township options are and asked if we can reactivate our Township Authority; she thinks they were chartered to do multiple things. Zimmerman said they were specified for sewage, but it could be changed to a water authority. Tobin asked if they could pursue public water or pursue it with the Borough. Zimmerman said we can pursue public water if we decide to spend the funds for an engineer. Tobin said there was a million dollars of grant money available to the Borough to put public water to the I81 area and they declined the offer, the people in the area still want public water; she is looking for a way for the Township to help them get the water. Wise asked if the Township has access to the grant and Tobin said no. Lillian Patten asked if the Borough had given a reason for saying no and Koontz said their water supply was limited. Tobin said that was part of it but the Borough had a water study done that showed they had ample water, but they refused it. Zimmerman said he doesn't know if they should pursue it with the Borough, they backed out before with no opposition from the Township, he heard from Borough Council that it was not feasible, there was not enough return on the money they would have to invest. Tobin said they had a million dollar grant available to them and an 8 inch line to the new sewage plant would have cost them \$142,000.00. Tobin said they would have had to go from the sewage treatment plant to Swatara where they have a system and are willing to work with them; they would have been picking up over 100 people plus businesses as revenue. Zimmerman said he was told the cost didn't outweigh the investment. Tobin said the Borough never did a study to figure out the cost and they had a hydrologist tell them they had more than enough water; Guildford Mills isn't using near the amount of water they were using before. Tobin said she is asking what we can do to get public water to business people near I81. Terry Ritzman said he lives along Rt. 443 and he does not want to be connected to public water. Tobin said that would only happen if they ran a line along Rt. 443 and our ordinance required him to connect to it, it depends on the ordinance. Zimmerman said that is one of the Borough's problems, going that way was the cheapest route, but it would by-pass all the customers on Rt. 443. Tobin said there are less than forty customers along Rt. 443 that they would by-pass, but they would get over a hundred customers. Zimmerman asked how much it is going to cost the Township to put a water line in. Tobin said she doesn't know, she just wants to know if they want to pursue the idea. Aungst said we should be looking for a water supply; as the Township grows we will need to have a water supply for certain areas. Aungst said we should be looking for resources, whether it is buying land or checking with Lebanon Reservoir. Tobin said there are businesses that won't come into the area because it is not public water and the businesses that are here want public water because of their stringent requirements for testing, filtering and purifying their water. Zimmerman said fire protection is the biggest concern. Wenrich asked if the businesses are required by our ordinances to have sprinkler systems; Zimmerman said the Township lets the state handle commercial inspections. Myers said the benefit for commercial buildings to have a sprinkler system is that size restrictions are lifted and cheaper building material can be used; it is definitely a long term benefit to have public water available in the township. Wenrich asked Tobin if the \$142,000.00 that she quoted was an estimate. Tobin said it was an engineering bid. Zimmerman said he has no objections to pursuing public water for the Township, but he objects to the Authority being

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reactivated under the wording they have now, he would want it changed back to the original Authority when the Township had control of it. Zimmerman said the first step is to have the Authority so they have another group of people to do all the investigating; it will cost a lot of money for engineering fees. Tobin said yes it will cost a lot and it is a shame that it all could have been done through the grant money and saved the people of Pine Grove a lot of money. Zimmerman noted that people should understand that it was not the Township that didn't pursue the grant money. It was agreed that Tobin would pursue the reactivation of the Township Authority.

- ♦ Wise said they are planning a meeting with all the fire companies on the issue of run-cards; it is an ongoing issue on how the fire companies are dispatched. Wise said he had met with HH & L about the run-cards issue, but a date for the meeting has not been set.
- ♦ Aungst said he has a letter from the Recreation Board requesting signatures for a Boy Scout who is interested in building a recreation center sign to be erected on the property. Aungst noted the gazebo is under construction. Aungst read the draft letter that Ricky Kline needs to send to the Scouting organization. Aungst showed a sample of the 2' x 4' sign and said the Recreation Board thought they would put it at the end of the macadam at the entrance to the fenced areas, between the two trees. Zimmerman asked if the Recreation Board approved the project and Aungst said yes. Zimmerman moved to approve the letter for Ricky Kline, giving him approval to erect the sign as his Eagle Scout project. Tobin seconded the motion, all were in favor and motion carried 4 to 0.
- ♦ Zimmerman asked if anyone had heard about windmills going on Township property. Wenrich said it was in the paper. Koontz said if they erect them, it would be on Township property. Zimmerman asked if we have any regulations on them. Koontz said the height of the tower is the only thing we have restrictions on. Koontz said he was tentatively contacted by a Borough Council member. Aungst said he thought it was in Washington Township and Koontz said he talked to Florence Stroupbauer who said it was in Pine Grove Township. Zimmerman said his only question was if we were contacted about it.
- ♦ Zimmerman requested an executive session on possible litigation after the meeting.
- ♦ Ferguson said in the correspondence folder there is a survey that PSATS is requesting the Township complete on the challenges we have faced implementing the Uniform Construction Code. Aungst said he and Koontz would complete the survey. Ferguson said there is another report to be completed, it is from FEMA about flood plain management and addressed to the Flood Plain Administrator. Koontz said he would complete the report. Tobin asked if Koontz is the administrator now, she thought Zimmerman was doing that. Koontz said legally he is the flood plains administrator.

ADJOURNMENT

At 8:46 PM, Zimmerman moved to adjourn the meeting and enter into an executive session with the solicitor regarding potential litigation. Aungst seconded the motion and all were in favor; motion carried 4 to 0 and meeting was adjourned.

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Respectfully submitted,

Kathy Ferguson, Secretary / Treasurer

Approved by Board of Supervisors on July 13, 2005

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