

PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
JULY 13, 2005 MEETING MINUTES



CALL TO ORDER

Chairman Larry Zimmerman called the July 13, 2005 meeting to order at 7:05 PM and opened the meeting with the Pledge of Allegiance. Attending were Supervisors Diane Tobin, Herman Clemens, Allen Aungst and Jerry Wise. Also present were Solicitor Gino DiNicola, Sect. / Treas. Kathy Ferguson, Judith Lehman, Clinton Koontz, Dan Ansel, Ellen Madenford, Tori Clark, Harold Seigfried, John Stahl, Bret Habecker, B. C. Desai, Donald Wenrich, Terry Ritzman, Tom Feeser, Pine Grove Borough Council President Phyllis Hesser and other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS

- ♦ Dan Ansel, general manager of the Comfort Inn requested the Board move "Public Water" to the top of the list of old business items. Ansel submitted a petition to the Board for public water that was signed by business owners in the I81 area. The board agreed to move "Public Water" to the first item under old business.
- ♦ Ellen Madenford submitted a brochure to the Board and said they should consider public comment on how people feel about Stanhope Estates. Madenford spoke of her concerns of all the houses being built there and the water problems; she said someone from the Conservation District showed them the wells of the people who live on the hill will go dry. Madenford questioned how the water run-off situation will change because of the new houses with macadam driveways. Madenford asked Zimmerman if the company he works for is putting the road in the Stanhope subdivision. Zimmerman said his company has given an estimate but does not have a contract yet to do it. Tori Clark said she thinks it is a conflict of interest for him because his company would be working for them. Madenford said there is a letter from Donna Kloske about the area being tested for bog turtle environment and asked if something will be done about it. Zimmerman said they did not get to the Planning Commission report yet.

MINUTES / FINANCIAL ITEMS

- ♦ **June 8, 2005 Meeting Minutes**
- ♦ **June 22, 2005 Special Meeting Minutes**
Aungst moved to approve the minutes for both dates, Tobin seconded the motion; all were in favor and motion carried 5 to 0.
- ♦ **Treasurer's Report** - Zimmerman said the General Fund beginning balance was \$182,021.38; June General Fund receipts were \$40,988.73, June General Fund expenses were \$40,095.71 and the ending balance of the General Fund is \$182,914.40. Zimmerman said the Township Capital Reserves fund ending balance is \$1,995,083.90; the Liquid Fuels Fund ending balance is \$147,224.76 and the Combined Fund ending balance is \$2,325,223.06. Clemens moved to approve the Treasurer's Report, Wise seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Approval of Bills** - Aungst asked if our agreement for Scenic View Road included us paying the engineer's fees and asked what activity Benesch would have billed us for in May and June. Zimmerman said it is in the agreement for us to pay the engineer's fees and Benesch was surveying for the deeds to be written. Aungst moved to approve paying the bills totaling \$39,264.49; Zimmerman seconded the motion, all were in favor and motion carried 5 to 0.

**PINE GROVE TOWNSHIP SUPERVISORS
JULY 13, 2005 MEETING MINUTES - PAGE 2**

PERSONS TO BE HEARD

- ♦ **Harold Seigfried** spoke to the Board about his property in Pleasant Valley. Seigfried explained that he only has an income of \$1,300 per month and is unable to pay for the block to finish re-building his garage. Seigfried said he got a trailer to put things in that were lying around in his yard when they complained about them and he didn't know about the ordinance when he got the trailer. Seigfried said he has spent money on trying to clean up his property, put on siding and new windows plus he got four loads of fill to fix his yard where they never replaced the curb when they put the sewer in. Seigfried asked the Board how he can work it out without getting rid of all his personal property. Zimmerman said there are two more vehicles on the property since he first looked at it and Seigfried said they are two of his that broke down. Zimmerman said the problem is that he is collecting more things rather than getting rid of some and he is making no headway in cleaning up the property, it has been at least four years since the garage burned down and he doesn't have it finished. Seigfried said he lost his job and ran out of finances. Zimmerman said the Zoning Officer has given him some papers to abide by and Koontz said the Constable served him a Cease and Desist order that said it was to be cleaned up by June 30th. Koontz said in the past two years Seigfried has partially cleaned up but there has been absolutely no work done on the building and the trailer is not allowed by our ordinances; the Board's next step is to file civil action. Zimmerman said Seigfried has until the end of July to get rid of the vehicles and the trailer or the papers that Koontz served will be carried through. Seigfried asked about the curb that should have been replaced when they put the sewer line in; Zimmerman said he needs to talk to the Sewer Authority about that. John Stahl, Chairman of the Joint Treatment Authority, was present and told Seigfried he would take a look at it.

REPORTS

Engineers / Planning Commission Report

- ♦ **Stanhope Estates Final Plan** - Zimmerman said the Planning Commission granted approval contingent upon a letter of clarification for the Sewage Planning Module from the Planning Commission to DEP. Ferguson said instead of a letter, the Planning Commission Chairman and the Township engineer completed a new checklist for Component 4A of the Sewage Planning Module and she submitted the revised module to DEP. DiNicola said the Planning Commission is recommending approval of the plan contingent upon approval of the Planning Module from DEP and the subdivision Improvements Agreement that he has in draft form tonight and recommends the Board execute. Tobin asked about the letter regarding the bog turtles and Ferguson said the Planning Commission directed her to put it in the permanent file for the Stanhope Estates subdivision. Zimmerman says the letter gives an opinion and Tobin asked if it is a requirement, Zimmerman said no. Zimmerman asked DiNicola if he feels he should abstain from voting on this plan. DiNicola said in his opinion, that since Zimmerman is an employee and does not have any control over the management decisions or policies, he is not in upper level management or a partner in the company, he feels it would not be a conflict of interest for Zimmerman to vote on the subdivision. Tobin questioned the waiver on the velocity. Zimmerman said the engineer is supposed to size the pipes accordingly and the figures would verify that the pipe will handle the water, the waiver is so they don't have to include it on the print; it would be too thick. Tobin asked if we have documentation to show they put in what was required. Clemens asked if Benesch would have the information on file and Zimmerman said no, the developer's engineer and the Schuylkill Conservation District would. Bret Habecker said all the calculations from WJP Engineers are available in the Stormwater Plan along with the diagrams; the question was if it also had to be printed on the plan. Zimmerman moved to approve the Stanhope

**PINE GROVE TOWNSHIP SUPERVISORS
JULY 13, 2005 MEETING MINUTES - PAGE 3**

Estates Final Plan contingent upon approval from DEP of the Sewage Planning Module and the Site Improvements Agreement. Clemens seconded the motion, all were in favor and motion carried 5 to 0.

- ♦ **Hampton Inn Final Plan** - Zimmerman questioned the Planning Commission's request that the Board consider requesting a written agreement for the construction of a future cul-de-sac. B. C. Desai of Hampton Inn was present and spoke to the Board stating it was suggested in the Zoning Hearing, but the road would not be going anywhere but to the hotel. DiNicola said the Planning Commission recommended the cul-de-sac because of the advisory section and the primary concern was a future thoroughfare or dedication to the Township at some point, then the Township would require a written agreement. DiNicola said if it is to remain private, it is the discretion of the Board if they wish to require the agreement. Zimmerman said there was no need for a cul-de-sac since it will be private and Tobin said the road would have to be brought up to code if the Township were to ever take it over and it could be addressed at that point. Zimmerman moved to approve the Hampton Inn Final Plan contingent upon approval from DEP of the Sewage Planning Module, Aungst seconded the motion, all were in favor and motion carried 5 to 0. Desai told the Board he talked to DEP and there was some confusion that it would be connected to the sewage treatment plant, but it is not. Desai said it is costing him \$12,000 per week to wait to begin construction and asked if he could start construction now. Zimmerman said he didn't see a problem with starting construction now, but Ferguson should not release the plans until DEP's approval is received.
- ♦ **Pugh Parcel "A1" Sketch Plan of Record** - Aungst said they are adding land along the house and there was discussion on the Planning Commission notes regarding the erosion and sediment plan and also the Highway Occupancy Permit. Ferguson noted the review letter had not been received from the County, she said the plan was submitted on June 13th, the same day it was due at the courthouse if it was to be reviewed at their June meeting. Zimmerman tabled the plan pending the County's review.
- ♦ **Swatara Creek CLC Revised Final Plan** - Zimmerman said the plan was previously approved and is here for signatures. DiNicola said he reviewed the Improvements Agreement and he is satisfied with it, the remaining item is the line of credit and that should be posted soon with Union Bank. Ferguson confirmed that the E & S permit was received. Tobin moved to approve the Swatara Creek CLC Improvements Agreement and to authorize the Chairman and secretary to sign the agreement for the Board, Clemens seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Planning Commission Policies** - Zimmerman read the Planning Commission minutes stating their policy change to eliminate the practice of giving contingent approval to subdivision plans. Zimmerman moved the Board of Supervisors do not give contingent approval of subdivision plans, Tobin seconded the motion, all were in favor and motion carried 5 to 0.

Landfill Inspector - No comments.

Roadmaster - Zimmerman questioned the amount of blacktop used on Swopes Valley Road and Aungst said the road was breaking up in the middle and it didn't seem to have a good base. Zimmerman said the road is only about ten years old, but it was probably because there was only one layer of blacktop over tar and chip on that road. Aungst said that is what it looked like.

Zoning Officer - Zimmerman said the Zoning Officer had a busy month again with approving permits.

**PINE GROVE TOWNSHIP SUPERVISORS
JULY 13, 2005 MEETING MINUTES - PAGE 4**

OLD BUSINESS

Public Water - Tobin said last month she brought up that businesses in the I81 area would like public water and the Board has now received a petition for public water. Tobin said the question is the Township willing to provide public water to Township residents in that area. Tobin said their concerns are high iron and sulphur contents in their water which is expensive to treat. Clemens moved to support getting public water to the residents in the I81 area. Aungst said we should find out how we are going to do it first. Clemens said we are not committing to anything, first you decide to support it or not, then decide how you are going to do it. Tobin seconded Clemens motion to pursue providing public water to I81 area businesses. Zimmerman asked what pursue means and Tobin said it means we will agree to provide public water. Aungst and Wise said that is saying that we will provide public water. Zimmerman said he won't agree that we will provide public water; he will agree to look into the feasibility of providing water.

Dan Ansel gave details of an estimated cost figure of \$300,000 he got from the Pine Grove Joint Treatment Authority for running water lines to the Interstate at the same time they were putting in the new sewer lines. Ansel also gave projected figures for using 72,000 gallons of water for thirty years with \$60,000 of revenue per year needed to support the project and estimated it to break down to \$240 per year for each of an estimated 287 EDU's in that area. Zimmerman said that would be with using Borough water and Ansel said the Borough could get water to the Borough line and sell it to the Township; he plans to address the Borough tomorrow night about that issue. Tobin agreed it is a separate issue and said the issue on the table is if the Township is willing to pursue public water for our residents in that section.

B. C. Desai, president of the company building the Hampton Inn, said he is at the stage to start digging wells and install water treatment facilities. Desai said he has built 17 businesses like this and it is nice to have public water, because with your own water you have problems with the iron too high and testing; it will cost him up to \$30,000 for his water treatment facility. Desai said there are local businesses ready to chip in to finance the public water project and said he would pledge \$50,000 if he gets public water in time for his project which he plans to connect to water and sewer by March of next year. Desai said he requests the Board decide if they will or will not provide public water rather than say they will pursue it. Desai said other businesses coming in would support it and businesses will consider coming into the area after public water and sewer lines are on site, there will be growth if public water is available. Zimmerman said he doesn't see it happening right now.

Donald Wenrich said according to an article in the paper if the Township and the Borough do not do it, the county water authority will move in and put public water in. Wenrich asked if that happened would the County make people hook up to public water and said answers are needed. Zimmerman said there are a lot of questions and said he supports looking into public water but he does not have the time to work like an authority and engineer everything, if the Board is interested, they could form an authority to check into things.

Terry Ritzman said he is sure a lot of the residents are against it and Zimmerman said that is why he said an authority should be formed to answer questions like that. Ansel asked if Township residents would have to hook up and Zimmerman said that would be another decision the Township has to make.

Tom Feeser asked if the Township already has an authority that is only authorized to work with sewage. Zimmerman said that is correct. DiNicola confirmed that it is inactive and was never formally dissolved; to activate it they would need to amend the articles of incorporation, appoint a board, hold public hearings and do an ordinance which would take some time.

Ansel asked if the Pine Grove Joint Treatment Authority could take over the public water for the Township and Zimmerman said yes, if the Board so desired. Feeser said the Joint Treatment Authority would have to buy the water from the Borough. DiNicola said there would need to be inter-municipal cooperation.

**PINE GROVE TOWNSHIP SUPERVISORS
JULY 13, 2005 MEETING MINUTES - PAGE 5**

Clemens said he feels they have an obligation as officers of the Township to supply the water and if it is not done now, it will have to be done ten or fifteen years from now at triple the cost.

John Stahl said they could put the pipes in right now and solve some of the details later. Stahl said the Joint Treatment Authority has a contract in progress right now under which funding could be included to install the water line; the only question would be who would sponsor it. Stahl said if they are reluctant to have the Joint Treatment Authority sponsor it, they could do the line under their contract without being involved in the water business and the Board could request the county authority to be the agent to implement a water system to the I81 corridor. Stahl said the pipe could be in the ground and if the Borough would make water available, the water could be to the area by August 15th; that is how fast it could be done. Zimmerman said that puts it back on the Borough again and Stahl said only to provide the water. Zimmerman said it brings us back to having the water line along the railroad bed when all the residents are along the highway. Stahl said you would only bypass twenty five homes now and in the future they could bring the water line from the railroad bed on their right of way to Rt. 443. Zimmerman said he doesn't see the savings. Stahl said you need to have a loop in a water line and the line along the railroad bed is already approved and bid, permits are in place, they can tie into the distribution system in Swatara Village and have the equivalent of 287 customers waiting to be served. Zimmerman said you can get to the same point along the highway and pick up the homes that are bypassed. Stahl said you double the price to do it that way. Tobin said you would have to engineer it and contract it.

Zimmerman said he does not want to get into it; he would rather have an authority do it, he does not want to decide it. Tobin said if he wants an authority do it, does he want the Pine Grove Joint Treatment Authority to have a part in it. Aungst said no. Zimmerman said no, he doesn't like their agreement and he wants the control of the Joint Treatment Authority. Tobin said you cannot have control of an authority. Zimmerman said yes you can, it was written up that way until 1998 when it was changed; there are two ways to run an authority. Tobin said if you don't give it to the Joint Treatment Authority, then the other option is to give it to the Schuylkill Municipal Authority. Zimmerman said no, we have another sewer authority right here in the Township. Tobin asked why he would want to duplicate services. Zimmerman said there is no way in this world John Stahl is going to run a second authority in this Township if he has a say in it. Tobin said that would be penalizing the people by having more authorities and more expenses and Zimmerman said he is not penalizing the people.

Aungst said they should pursue getting water to the industries along Rt. 443 and establish a committee or an authority to meet with the Borough to discuss the issue with them. Clemens said his original motion was to say we would support the effort to get the public water like Aungst said; it is not a commitment to run pipes. *Aungst moved the Township pursue getting water to the businesses along Rt. 443.* Zimmerman asked Ferguson to read the motion from Clemens and Ferguson read the motion and also read the second from Tobin. Discussion on the wording of the motions followed. *Aungst said to strike his motion.* Ferguson read the motion from Clemens again, Tobin confirmed her second of the motion. Aungst and Wise voted in favor of the motion, Zimmerman opposed the motion, motion carried 4 to 1.

Tobin moved if Pine Grove Borough agrees at their meeting tomorrow evening to provide public water to the Township I81 area, the Township Supervisors would either allow the Joint Treatment Authority or request the Schuylkill Municipal Authority to proceed with the project. Zimmerman asked why the Borough could not pursue it and Tobin said they may have regulations for going into the Township. Zimmerman said they are in the Township already and Tobin asked if we have an agreement. Zimmerman yes and Brian Tobin said if there is an agreement, then you already have water in the Township and Zimmerman agreed. Tobin asked why the Borough wouldn't give us water in another part of the Township, Zimmerman said he doesn't know, the Borough is the one that said they can't provide it. Clemens seconded the motion. Aungst said the Township should meet with the Borough to discuss

**PINE GROVE TOWNSHIP SUPERVISORS
JULY 13, 2005 MEETING MINUTES - PAGE 6**

the water situation and Tobin asked when, Clemens said it would be another delay. Aungst said rather than go to the Borough in an antagonistic way for water; he thinks it should be done in a more positive way. Tobin asked Aungst if he wants to go back to January and Aungst and Zimmerman said no. Donald Wenrich told Aungst that he feels a million dollars was pretty positive. Ferguson read the motion again.

Wise asked what Tobin meant by "proceed with the project". Tobin said the project has a time limit, it is more economically feasible to do it now because the contractors are there now, if you wait another two weeks they will be gone and there would be an added cost to the project. Aungst said the Borough wanted to go down Rt. 443 instead of the railroad bed and Tobin said it is not economically feasible, Aungst disagreed. Tobin asked if they wanted to give the Borough the authority to do the project and Aungst and Zimmerman said yes. Clemens confirmed his second of Tobin's motion; Zimmerman, Aungst and Wise opposed the motion and it was defeated 3 to 2.

Tobin moved if Pine Grove Borough agrees at their meeting tomorrow evening to provide public water to the Township 181 area, the Borough can proceed with the project provided they have an inter-municipal agreement with the Township to provide water. Tobin said she is giving all the avenues out there to take the residents into consideration and public water to that interchange will create more jobs. Zimmerman agreed and said it would create more development if that is what you want. Tobin said development will come whether he wants it or not. Zimmerman said he is not arguing that point, he wants to form an authority and answer all these questions. Tobin said that is duplicating services and will take a lot longer. Clemens seconded the motion. Aungst said we need to find out if the Borough is interested in providing water on their terms. Tobin said that is fine, but we can't keep waiting another month; every time you wait you spend more money. Clemens said the motion will find out if the Borough wants to do it and Tobin said it is giving the Borough the option, they can say no and the Board will have done their part and then it is up to the people. All were in favor of the motion and motion carried 5 to 0.

County Fall Clean Up - Zimmerman asked if the County had responded to our letter asking them to offer the opportunity to Washington Township and Pine Grove Borough. Ferguson said Dan Grow told her the County will offer the other municipalities the opportunity next year, but it is too late to offer it to them this year because of the site plan and forms he must submit. Aungst moved to approve hosting the County Fall Clean Up on September 22, 23 and 24, 2005. Wise seconded the motion, all were in favor and motion carried 5 to 0. Zimmerman said he will help on Saturday and they will make up a schedule at next month's meeting.

Zimmerman Sawmill - Tobin said she is getting calls about the sawmill starting at 5 or 6 in the morning. Aungst said they probably do that to beat the heat and Tobin said they only run it for two hours. Aungst said he did talk to them about the building and they said they plan to have the building up before winter. Tobin asked if they applied for a permit and Aungst said no, they are waiting to see when the contractor can do it. Karen Love said in the letter from the person who did the noise test, he said a building should be put up. Aungst said it was recommended, but he didn't say it had to be built. Wayne Love said it is a nuisance noise. Zimmerman said it is within the limits of our ordinance and he feels this Board has done what they are required and it does not need to be on the agenda anymore. Aungst said he will pursue getting them to put the building up.

Equipment for Sale - Ferguson said last month the Board decided to bring ideas to this meeting for getting rid of the equipment. Zimmerman said "For Sale" signs should be put on the equipment and it should be brought out to the road. Koontz suggested they take pictures of the equipment and list it on eBay. The Board agreed to both suggestions. Tobin and Koontz said they would help Ferguson list the items on eBay.

Stanhope Improvements Agreement - (Discussed with Engineer's report.)

**PINE GROVE TOWNSHIP SUPERVISORS
JULY 13, 2005 MEETING MINUTES - PAGE 7**

EMS Tax List - Ferguson said she is waiting for the Board to get back to her with corrections or changes to the list that Aungst made. The Board directed Ferguson to send the list with the corrections Aungst made to Berkheimer.

NEW BUSINESS

Signatures Required on Subdivision Plans - Ferguson said she has been receiving a lot of complaints from applicants, developers and Planning Commission members about her holding subdivision plans for the required signatures. Ferguson said when she started here she was told all plans must have all signatures on them. Ferguson said the SALDO does not require signatures for preliminary plans yet we have a signature block on the plan; also in the definition of endorsement in the SALDO it asks only for a majority of the supervisors' signatures. Ferguson said she called the Recorder of Deeds at the Courthouse and they do not have a minimum of signatures required on the plans. Ferguson asked the Board to define what signatures they require on the plans before she can release them. After discussion, Aungst moved that from this day forward subdivision plans require only a majority of the Board of Supervisor's signatures upon approval, Clemens seconded the motion; all were in favor and motion carried 5 to 0.

Landfill Gas Project - Tobin requested in the interest of time that the item be tabled until next month's meeting and the Board agreed.

CORRESPONDENCE

PUBLIC COMMENT

- ♦ Tobin said it has been agreed to switch the insurance to VFIS for both fire companies and they have been asked to come in and review the policy. Tobin said the value on one of the equipment was reduced and the deductible on the portable equipment will be reduced from \$500 to \$250. Tobin said a refund will be received on the premium amount shown.
- ♦ Wise said the attempt to meet with fire companies about the run cards is an on-going issue; it has been difficult to set up a meeting with all four companies.
- ♦ Aungst said Mike Fegley has completed the gazebo project for his Eagle Scout award. Aungst moved to have the Supervisors sign a letter to the Boy Scouts of America for Fegley so he can pursue getting his Eagle Scout status. Wise seconded the motion; all were in favor and motion carried 5 to 0.
- ♦ Clemens asked if the Township owns the memorial in Ravine and Zimmerman said we cut the grass. Clemens said an organization has approached him about donating money to fix it up. Zimmerman said Charlie Brown always maintained it and then we started mowing it. Zimmerman said we don't need a motion on it if Clemens is handling it.
- ♦ Clemens asked the public if they have any reports of vandalism of traffic signs and said it is getting out of hand.
- ♦ Zimmerman said Ron Aungst of Pine Vista development needs a letter of acceptance from the Township for the base course of the blacktop on the section of the road in the Township. Zimmerman said he, Aungst and the Roadmaster had looked at the road and our engineer had inspectors there when the blacktop was put down and they are fine with it. Zimmerman moved the Board sign the letter of acceptance of the base course of paving for Pine Vista, Tobin seconded the motion, all were in favor; motion carried 5 to 0.
- ♦ Zimmerman requested an executive session after the meeting is over for an employee matter.
- ♦ Zimmerman said John Heinbach is asking for another week of vacation since he was hired in 1995. Zimmerman said Heinbach is going back to when he was hired part time; if you consider his full time hire date, he would need about three more years. Zimmerman

**PINE GROVE TOWNSHIP SUPERVISORS
JULY 13, 2005 MEETING MINUTES - PAGE 8**

said we do not give benefits to part time people. Tobin said at one time they went back to the part time hire date. Ferguson said the employee handbook does not specify which date to use. Tobin said if it doesn't specify which date, how you can hold it to one or the other. Zimmerman said the Board would have to make that decision. Judy Lehman said she was hired at part time and when she went to full time, the secretary told her the hire date went back to the part time date. Zimmerman said a previous secretary also said a week's vacation was seven days, not five working days; so he is not going to go by what the previous secretary said. The Board agreed to table the decision until next month.

- ♦ Donald Wenrich said he understands that the company Zimmerman works for may possibly get a contract to do the road in the Stanhope development, but since he is just an employee that would not make it a conflict of interest. Zimmerman said that is right, he is just an employee.
- ♦ Wenrich said last month it was mentioned about a wind farm in the Adams Run area which is zoned R-P and it would possibly be in the watershed. Zimmerman said it is possible, but we have not seen any official paperwork on it yet. Wenrich said he would consider the wind turbines to be commercial and if it is in the watershed there should be an environmental impact study done. Zimmerman said he couldn't answer any of the questions because we have not been approached by the Borough at all.
- ♦ Wenrich asked about the status of the lawsuit that C.L.E.A.N. had against the Supervisors. Zimmerman said with the landfill in limbo, the lawsuit is also in limbo.
- ♦ Bret Habecker said to clarify the record, he contacted an excavator from Washington Township who was not able to handle the job for the roadway in Stanhope Estates, the excavator used to work for Stanley Fidler; that is how he contacted them for an estimate for the job and he wanted to use a local company.
- ♦ Habecker said people commented that Zimmerman is not concerned about them and the storm water run off; but at the request of the Planning Commission and this Board, he agreed to put extra infiltration and things in for storm water control that he is not required to do by the ordinance at a cost of \$20,000 to ensure there isn't problems for any of those neighbors.
- ♦ Phyllis Hesser requested the last motion regarding public water be read. Ferguson read Tobin's motion. Zimmerman said Tobin thinks there isn't any municipal agreement to provide water to Township residents and Tobin said she doesn't know if there is an agreement. Hesser said the agreement with the Township, and DEP just reinforced this, was made back in 1890 something, that if they brought water into the Township, those people would be allowed to hook onto the water; it was grandfathered in and had nothing to do with the P.U.C. Hesser said if they went beyond the Borough now and into the Township it would come under the P.U.C. or a water treatment authority. Hesser said what had gone on before, that was in place before they passed all the laws for the P.U.C. Hesser said according to DEP when they met with them the other day and asked about different regulations with DEP and their water, it was mentioned and looking it up in the records, the agreement was made with the state that the Borough would be allowed to bring water and sell water to the Ravine area and immediate surrounding area if they encroached anyplace in the Township. Tobin asked if she got a copy of the record and Hesser said it is in the minutes. Tobin asked what minutes, Hesser said it is in the Borough minutes. Tobin questioned Hesser if DEP said they reinforced it and if she has seen the agreement and Hesser said that is not what she said. Hesser said they reinforced that it was an agreement, they just reinforced our thinking. Tobin asked if they verbally told her that and Hesser said no. Hesser said they told DEP and showed them how long in the agreement with the state of Pennsylvania those people could buy water from the Borough. Hesser said when they looked at that, DEP said the Borough does not come under the P.U.C. at this point, but if they now sell water to the Township then their whole system comes under the P.U.C. Tobin asked if that would be without an

**PINE GROVE TOWNSHIP SUPERVISORS
JULY 13, 2005 MEETING MINUTES - PAGE 9**

agreement and Hesser said unless they had an authority. Tobin said they could use the Joint Treatment Authority as a vehicle to sell their water and Hesser said no because they wouldn't want to be part of the sewer authority. Tobin said they wouldn't be part of the authority; they would be selling water to the Township. Hesser said she isn't going to get into that because the citizens of Pine Grove have already requested a public meeting. Tobin asked if they are going to discuss it at their meeting tomorrow, Hesser said she doesn't think so, the meeting is too long. Tobin asked if they are going to have a public meeting and Hesser said if the council agrees to it. Hesser said she can find the agreements that were made when they brought the water into the Township if Tobin wants to see them, at that time it was Adams Run; when they moved up into the Black Creek it was different but it was still before the laws were in effect. Tobin asked when the P.U.C. laws went into effect and Hesser said she didn't know. Tobin said she is just looking out for the Township as far as their responsibilities to the residents to get water to the area and they need to put their options on the table. Hesser said she understands that and doesn't want to get into deadlines without the rest of the council, she is clarifying the statement about the Borough already supplying water to the Township. Tobin said they do supply water and Hesser agreed that they do.

ADJOURNMENT

At 9:20 PM, Zimmerman moved to adjourn the meeting and enter into an executive session Tobin seconded the motion and all were in favor; motion carried 5 to 0 and meeting was adjourned.

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Respectfully submitted,

Kathy Ferguson, Secretary / Treasurer

Approved by the Board of Supervisors on August 10, 2005.

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