

PINE GROVE TOWNSHIP SUPERVISORS
175 OAK GROVE ROAD, PINE GROVE, PA 17963
FEBRUARY 9, 2005 MEETING MINUTES



CALL TO ORDER

Chairman Larry Zimmerman called the February 9, 2005 meeting to order at 7:00 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, Donald Wenrich, other residents; list on file.

PUBLIC COMMENT ON AGENDA ITEMS – No comments.

MINUTES / FINANCIAL ITEMS

- ♦ **January 12, 2005 Public Hearing Minutes**
- ♦ **January 12, 2005 Meeting Minutes**
- ♦ **February 2, 2005 Special Meeting Minutes**
Clemens moved to approve the minutes, Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Treasurer's Report** - General Fund beginning balance was \$2,121,479.82; January receipts were \$41,946.67, January expenses were \$38,542.86 and the ending balance is \$2,124,883.63. Aungst moved to approve the Treasurer's Report, Clemens seconded the motion, all were in favor, and motion carried 5 to 0.
- ♦ **Approval of Bills** - Aungst asked Ferguson about the bill from Pennsylvania League of Cities. Ferguson said it is the annual membership fee for the L3P purchasing program in Harrisburg that the Roadmaster uses. Zimmerman moved to approve paying the bills; Tobin seconded the motion, all were in favor; motion carried 5 to 0.

PERSONS TO BE HEARD

Donald Wenrich read a statement to the board in response to Dave Ravegum's comments at last month's meeting about the landfill's gas to energy project. Wenrich said the C.L.E.A.N. organization seeks sensationalism rather than solutions and questioned why they have not protested the Commonwealth Landfill which is over the aquifer for Pine Grove. Wenrich said Ingenco can't give a guarantee not to promote the expansion of the landfill because they have no control of the landfill. Wenrich stated that Ravegum said the air quality emission standards are lower for gas to energy projects than they are for landfill flares, but Wenrich pointed out they are composed of different gases, therefore different standards. On the subject of the emissions being expelled into the atmosphere near the schools; Wenrich noted the industry has been expelling emissions there for years. Wenrich's complete statement is on file in the township office.

Scott Enck of Verizon West spoke to the board about a service request he submitted to the township to bury 600 feet of cable and place 12 poles and 4 anchors on the township's right-of-way along Chapel Drive next to the guard rails. Supervisors discussed the plans as submitted and Enck verified that poles must be used because burying cable would damage the road. Zimmerman moved to approve the request from Verizon and accept the plans and payment as submitted by Enck. Clemens seconded the motion, all were in favor and motion carried 5 to 0. DiNicola added that the board should consider an ordinance to regulate any work done on their right of way and consider a schedule of fees as there is a possibility of fiber optics etc. in the future.

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REPORTS

Planning Commission / Engineers Report

- ♦ **Aungst, Shelters, Umbenhauer Sewage Module** - Supervisors reviewed the sewage module that was approved by the Planning Commission and Zimmerman moved to approved the sewage module. Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Pine Grove Joint Treatment Authority Final Plan** - Supervisors reviewed the final plan that was conditionally approved by the Planning Commission. Aungst moved to waive section 5.8423 (SALDO) for fencing of the detention pond and section 5.521 (SALDO) requiring direct driveway access. Clemens seconded the motion, all were in favor and motion carried 5 to 0. Zimmerman moved to grant approval of the Joint Treatment Authority Final Plan, contingent upon the Planning Commission's conditions being met. Aungst seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Paradise Manor Phase II Sketch Plan of Record** - Supervisors reviewed the final plan that was approved by the Planning Commission. Zimmerman said there were three waivers requested; section 4.11 for plan scale, section 4.1414 for location map scale and section 4.15 for tract map on the same sheet. Ferguson noted there is also a request for planning waiver and non-building declaration that the Planning Commission signed but does not mention in their minutes. Zimmerman also noted the condition for area "A" that if it becomes a public right-of-way in the future, lot #3 owners shall relocate the utilities located within that area. Zimmerman moved to approve the three SALDO waivers and planning waiver / non-building declaration. Clemens seconded the motion, all were in favor and motion carried 5 to 0. Tobin moved to approve the Paradise Manor Phase II Sketch Plan of Record as approved by the Planning Commission. Aungst seconded the motion, all were in favor and motion carried 5 to 0.

Landfill Inspector - Tobin asked if the appeal hearing for the landfill was changed to a different time frame, Lehman said she had not received official notice, Lee Zimmerman said it has been pushed back to November.

Roadmaster - Roadmaster was not present. Zimmerman said the road crew should be doing all of the oil changes and some of the smaller repairs like the hydraulic hose; he will talk to John about it.

Zoning Officer - No report was received for January and the Zoning Officer was not present at the meeting.

OLD BUSINESS

EMS Tax - DiNicola said it is still possible for the township to enact the tax for this year and the majority of municipalities are enacting it. DiNicola said on the issue of the school district enacting it similar to the per capita tax; according to what he has found, the school would be limited to \$5. DiNicola said the board would have to consider who they would want to exempt, it is possible for the municipality to set an exempt income limit up to \$12,000. After discussion Zimmerman suggested having a special meeting to discuss the EMS tax for next year's budget and also talk about a right-of-way ordinance. Zimmerman moved to advertise a special meeting on February 23, 2005 at 7 PM, Tobin seconded the motion, all were in favor and motion carried 5 to 0.

Pension Plan - Part Time Eligibility Requirements - DiNicola said on October 24, 1991 the Pennsylvania Municipal Retirement System (PMRS) agreement and ordinance with mandatory enrollment for permanent employees was adopted by the township. DiNicola said an amendment to legislation has caused a need for the township to clarify whether future part time employees are eligible to participate in the pension plan. DiNicola said his

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understanding from the board was that for administrative ease and because of some employees working only a few hours per month, the board wishes to prohibit future part time employees from participating in the township pension plan. DiNicola has been in contact in with PMRS, they will be sending a new agreement and he has the draft ordinance that the township needs to adopt to make the changes. Zimmerman moved to have DiNicola advertise the ordinance to prohibit future part time employees from participating in the township pension plan. Clemens seconded the motion, all were in favor and motion carried 5 to 0.

NEW BUSINESS

Building Permit Fee for JTA - Tobin said the building permit would be over \$7,000. Zimmerman said his first thought was why charge our own citizens for this fee, but after thinking about it he doesn't think the money will come back to the subscriber's, if it did he would be in favor of waiving the fee. Zimmerman said the money will be deducted from the contractor's bill, the individual subscriber wouldn't see a penny of it and the township would not get anything from the endeavor; so his opinion is we should not waive the fee. Tobin said it might be reduced from the contractor's bid if you waived it; but if you don't waive the fee you are still passing it on to the users by adding to the cost of the project. Zimmerman agreed the cost would be passed on eventually to the users, but said the township isn't getting anything for all the truck traffic and construction vehicles. Tobin said that sounds like you are penalizing the users of the Authority for the truck traffic. Zimmerman said the fee is a small percentage of the project and doesn't mean much. Tobin said it does when you have to add \$7,000 to your overall debt. Zimmerman said he is the only one on the board that pays a sewer bill. Aungst asked what the overall project is, Tobin said all five contracts together it is a \$9.1 million project. Zimmerman said with what they put in already it is an \$11 million project. Tobin said some of that is grant money. Aungst said there were a lot of other \$7,000 issues that could have been reduced off the bill to begin with so it is a small item to consider. Clemens moved to waive the building fee for the Pine Grove Joint Treatment Authority project. On the question of Tobin voting on this issue, Zimmerman and DiNicola agreed that there was not a conflict or a benefit to Tobin in this case and they saw no reason for her to abstain from voting. Tobin seconded the motion, Wise voted in favor, Aungst and Zimmerman opposed; motion carried 3 to 2.

CORRESPONDENCE

- ♦ **Swatara Property Owners Association Complaint** - Zimmerman said the complaint is about loud noise from ATV's and snowmobiles on property owned by Terry Ritzman and Tom Feeser that is disturbing the residents at Swatara Village. Zimmerman said they are questioning if there is a township nuisance ordinance. Tobin asked if this should have been directed to Clint. Ferguson said she had not given it to Clint because the board was handling the last noise related complaint. Zimmerman said yes technically Clint should have handled it, but if they are making noise, Clint will bring it back to the board. DiNicola said ordinarily in a case like this where it is a private nuisance, not a public nuisance; he would encourage the resident to exhaust other remedies with the property owner before they ask the township to take action against the property owner.

Tobin said we should respond whether there is a nuisance ordinance and ask if they contacted the property owner. Tobin added that if they are going to handle all of Clint's zoning items, why would we have him. Aungst and Zimmerman agreed that Clint should give them a copy of the ordinance. Zimmerman said we are sending Clint out on all these and he can tell them, this is our ordinance and this is what we can do; if they don't like his answer it comes right back to the supervisors. Tobin said it should be a written response; Zimmerman agreed and directed Ferguson to give the letter to Clint.

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- ♦ **PIRMA Insurance Letter** - Aungst said the letter explains why the insurance costs went up on the property and liability. Tobin said she and Wise met with the fire company last week and they had a problem with the insurance company; they replaced the fire company's equipment with lower value, a depreciated value. Wise said the fire company estimated they lost \$6,000 in their claim from the flood and are not happy with the coverage. Wise said the fire company had met with an insurance company person and were told the portable equipment and other items would be covered, but now when they placed a claim the insurance company denies the claim or replaces the items with lesser value equipment. Aungst asked if anyone had talked to Stump as he is our agent with PIRMA. Wise said they had been in contact with the person that was handling the claim at PIRMA; he didn't think it was Stump. Wise said the fire companies asked if the township would consider going with V.F.I. insurance like North End because they had no problem with their claims from the flood. Aungst said they need to get the cost of the insurance they want and compare to what we are paying. DiNicola asked what the total amount of claims the fire company turned in and what amount had been denied. Wise said he doesn't have the exact figures. DiNicola said depending on the amount of dollars involved you might simply want to switch companies. Aungst said anytime you have a claim, your premium is going to go up and ours went up because of their claim and other issues; you pay a heavy premium for 100% reimbursement and no deductible. Ferguson said the other question about the insurance is if the township is going to follow through with the claim from the lightning strike to the heat pump. Ferguson said she had started the paperwork and Aungst had told her to hold the claim; but now the insurance company wants a decision whether we are finishing the claim or not. Aungst said his opinion is we should not file the claim because we will end paying for that claim over the next few years in increased premiums. Zimmerman agreed and said the heat system was old and needed to be replaced. Tobin asked the amount of the claim. Aungst said they show \$6,200 as a potential liability for the lightning strike. Tobin said you don't want to submit a claim for \$5,700 (\$6,200 less \$500 deductible), but you want to charge the Authority for \$7,000 so you have more money in the bank. Aungst said only because we pay for it in the long run. Tobin said we pay for frivolous lawsuits we are threatened with too. Aungst asked if we have proof of the lightning strike. Ferguson said she had taken pictures of the heat pump, gotten the lightning affidavit from Shannon Smith and had the paperwork ready last year. Clemens moved to submit the claim to the insurance company for the lightning strike, Tobin seconded the motion, all were in favor and motion carried 5 to 0.
- ♦ **Pine Grove Borough Notification of EMA agreement voided** - Zimmerman said that Pine Grove Borough voted to repeal their ordinance that established an emergency management agency between the Borough and the Township. Zimmerman said Ferguson should contact Crystal DeLong to see if she would remain as the township Emergency Management Director.

- ♦ **Jeffery Zimmerman Complaint** - Zimmerman read the resident's complaint regarding an adjoining property's shale driveway that blocks the natural run-off of storm water on his property. Clemens asked if the complaint had been checked into. Ferguson said the complaint was filed in the office today and the resident said the Zoning Officer told him to come in and fill out the complaint. DiNicola said the resident should contact the state if the township did not issue the driveway permit. Tobin asked what township ordinance it violates. After more discussion it was agreed that Clint should handle the complaint.

PUBLIC COMMENT

- ♦ DiNicola said he reviewed a resolution from Berkheimer that Ferguson had faxed to him. DiNicola said because of an amendment to the law, Berkheimer is requesting the

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township formally adopt the schedule of costs to be paid by delinquent earned income and occupational privilege taxpayers. DiNicola said if the board agrees with the fee schedule, he would recommend the board sign the resolution. After the board reviewed the fee schedule and resolution, Zimmerman moved to accept the fee schedule and adopt the resolution. Clemens seconded the motion, all were in favor; and motion carried 5 to 0.

- ♦ DiNicola noted correspondence the township received from Atty. Rick Wiest and executors of the Mary Rarick estate. DiNicola said they are asking the township for a preliminary opinion on a parcel of land they would like to sell; if the property requires subdivision. DiNicola said he would need to see some abstracts of the property to answer their question, the information is unclear and he recommends the board send it to the Planning Commission to make a recommendation. The board agreed to give the letter to the Planning Commission for action.
- ♦ Tobin said the inmates on the SCI Mahanoy work release program are doing a wonderful job on the painting and we should send them a thank you letter. Tobin said they can't do the outside doors because of the cold weather and with permission of the board they will come back at a later date to finish the work. The board agreed to both.
- ♦ Tobin asked at the meeting on January 20 with the Borough, if they decided to put the water line through. Zimmerman said the Borough is going to check with their engineer to determine if they have enough of a water supply with the equipment they have now. Tobin asked if the township has any reason to encourage them to go into the township with the water line and the board should think about it to discuss at the meeting on February 23rd.
- ♦ Wise said at the meeting with the fire companies, Ravine and Suedberg gave their numbers for the county dispatch call volume; Ravine responded to 215 calls, Suedberg had 150 calls. Wise said one thing they asked is if the township would budget to pay their fuel expenses of \$3,000 with tax, they are not tax exempt. Wise said Ravine will give us a financial statement in a week or two and Suedberg will forward one to us. Wise said Ravine sees a potential need to replace their rescue truck and they quoted \$150,000. Tobin said there was a brief discussion on merging the fire companies.
- ♦ Aungst reported that Zimmerman plans to enclose the chipper in a building at the sawmill and it should take care of the noise problem and the Love's complaint.
- ♦ Aungst said they identified the items for sale. Aungst moved to advertise the '84 International dump truck, the 1961 grader, two snow plows and a Monroe tailgate spreader in the Township News and take the two military trailers to Derfler's auction. Clemens seconded the motion, all were in favor; motion carried 5 to 0.
- ♦ Aungst said he has a commitment on a fixed rate account through December 30th for a rate of 3.3% from Sovereign bank. Discussion followed on the possibilities of moving

money from PLGIT and existing Sovereign accounts into the fixed rate account, Ferguson noted there are escrow amounts in the Sovereign accounts that have to be maintained. Aungst moved to move one million dollars into a fixed rate account at Sovereign Bank, Clemens seconded the motion, all were in favor; motion carried 5 to 0.

- Clemens said for the record, when you talk about taxes (like the \$52 EMS tax), the state and other agencies dictate these things and tell us we are going to save money, but we will end up paying for our so-called tax relief. Clemens said he would like to see them put a limit on the spending of the federal and state agencies like we do on our spending.
- Aungst said Washington Township won't be bidding the road projects with us this year because they don't use Superpave and Heinbach has met with the PennDot rep about the roads we want to do. Aungst said a decision should be made next month.

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- Donald Wenrich said he observed there is no rule on the time permitted for presentations and Zimmerman agreed. Wenrich said several months ago he had the floor and after ten minutes Aungst suggested that his time be terminated. Aungst said that he did not do that and would not do that to anyone. Wenrich said he had and members of the board would say they heard him; he proposed it, but it was not entertained. Wenrich said last month Dave Ravegum spoke for about 45 minutes and asked why he was cut short at ten minutes and Ravegum allowed to go for 45 minutes. Zimmerman said he does not remember that. Aungst said he does not remember doing that and if he did, he apologizes. Zimmerman said we have never limited time and it was discussed between him and Wise after last month's meeting, but they would rather not put limits on the time. Wenrich said after Ravegum's speech last month he asked to comment on it, Zimmerman said no, but he should have been allowed to comment. Zimmerman said no, he should not have been, because Ravegum was on the agenda; his time for comment was at the end of the meeting. Wenrich said he thinks he should have been allowed to comment and quoted from the Sunshine Law, page 11, "any resulting discussion" from a section listing rules about someone on the agenda. Tobin said it is an interpretation of the Sunshine Law. Wenrich asked what the solicitor interprets it as and Zimmerman said it doesn't matter what the solicitor says.

ADJOURNMENT

At 9:26 PM, Zimmerman moved to adjourn the meeting, Tobin seconded the motion, all in favor, motion carried 5 to 0 and the meeting was adjourned.

Respectfully submitted,

Kathy Ferguson, Secretary / Treasurer

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Approved by BOS 3/9/05

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