

---

# **PINE GROVE TOWNSHIP SUPERVISORS**

**175 OAK GROVE ROAD, PINE GROVE, PA 17963**

**OCTOBER 12, 2016 MEETING MINUTES**

---

**CALL TO ORDER** - Chairman Bruce Kosack called the October 12, 2016 meeting to order with the Pledge of Allegiance at 6:30 PM. In attendance were Vice-Chairman Jeffery Zimmerman, Supervisor Ray Stump, Solicitor Gino DiNicola, Township Manager Kathy Ferguson, Cynthia Hummel, Joan Kimsey (Team Ag), Eugene Martin, and others; list on file. Road Foreman Rodney Fidler and Zoning Officer Dan Bode were absent.

## **PUBLIC COMMENT ON AGENDA ITEMS**

**Cynthia Hummel** identified herself as a Township employee and said she and her husband Charles Hummel may wish to comment when the supervisors discuss the Township building air quality.

**Joan Kimsey, (Team Ag)**, representing Eugene Martin Land Development Plan which was presented to the Planning Commission last week and she would like to address discussion on planning waivers.

## **MINUTES / FINANCIAL ITEMS**

**September 14, 2016 Meeting Minutes** - Zimmerman moved to approve the minutes and Kosack seconded the motion. Stump abstained because he was not present at the September meeting. Zimmerman and Kosack voted in favor of the motion, motion carried 2 to 0 with 1 abstention.

**Treasurer's Reports** – Ferguson reported the September General Fund beginning balance was \$522,985.58; receipts were \$103,929.39; expenses were \$82,487.30 and the September General Fund ending balance was \$544,427.67. The Capital Reserve Fund September ending balance was \$2,866,816.16 and the Liquid Fuels Fund September ending balance was \$365,752.95. The September Combined Funds ending balance was \$3,776,996.78. Stump moved to approve the Treasurer's September report, Zimmerman seconded the motion; all were in favor and motion carried 3 to 0. Zimmerman noted we need to look at investments for our CD maturing in December.

**Approval of Bills** – Ferguson said the Bills for Approval includes the allocation of \$25,243.62 received for Volunteer Firefighters Association which is evenly disbursed between Ravine and Suedburg Fire Companies. Zimmerman moved to approve bills in the amount of \$58,148.58; Stump seconded the motion; all were in favor of the motion and motion carried 3 to 0.

- Zimmerman said there are Federal and State grants available to fire companies, like the allocation just mentioned. Zimmerman said local funds come from the Township; Ravine Fire Company has requested a donation and submitted financial reports showing how the funds are spent. Zimmerman moved to approve the \$12,500 donation to Ravine Fire Company. Stump seconded the motion; all were in favor and motion carried 3 to 0.

**PERSON TO BE HEARD** - No requests to be heard were received.

## **REPORTS**

### **Committee Reports**

- **CDBG** – Discussion was held on remaining funds available for allocation to renovate homes; suggestions were to have flyers available on election day and place a notice on the website.
- **Workplace Safety Committee** – Ferguson said the Committee recommended purchasing back support belts for the road crew and the next meeting will be held October 18th at 7:15 AM.
- **UCC Appeals Board** – Ferguson said the UCC Appeals Board Committee and Supervisors from the three participating townships will meet on October 20<sup>th</sup> at 6:30 PM at Pine Grove Township to review the Inter-Municipal Agreement for revisions.

### **Engineer / Planning Commission**

- **Ronald Schneck Minor Subdivision Plan** – Zimmerman moved to approve the Schneck Minor Subdivision Plan with the waivers as recommended by the Planning Commission. Stump seconded the motion, all were in favor and motion carried 3 to 0.

**Engineer / Planning Commission, cont.**

- **Eugene Martin Poultry Barn LDP** – Joan Kimsey, (Team Ag), representing Eugene Martin Land Development Plan said the Planning Commission approved waivers for the plan at their meeting next week; she is here to answer any questions on the waivers.

Zimmerman said he would like Kimsey to reiterate her comments to the Planning Commission for the waiver of §1126 of the SALDO regarding the open space recreation area. Kimsey showed a plan with an outline of the property, placement of the dwelling, proposed barns, etc. Kimsey said the defined disturbed area per the NPDES is 8.1 acres and based on the ordinance it would end up the equivalent of 6 lots at \$1,000 per lot for the recreation fee. Kimsey said they based their justification of a waiver based on this parcel is zoned Rural Preservation for which Ag is an accepted use and in this district, you cannot have a house on a lot less than 5 acres. Kimsey said this land development doesn't really fall into a commercial category, it's just use for the farm.

DiNicola said the Board is looking for some insight tonight on the waiver, not necessarily making a decision because they do not have the plan before them. DiNicola asked how many buildings there will be and their approximate size. Kimsey said there will be two barns with dimensions of 531' by 46' each. Zimmerman said it would be roughly 5,000 square feet\*. DiNicola asked what type of poultry would be in the buildings and how many employees they would have. Eugene Martin said it would be laying chickens and he is the only employee. Zimmerman said more people would be needed to take them in and out. Martin said every 14 months the layers would be taken out and two weeks later new ones brought in by the company he has contracted with. DiNicola said the Township ordinance requires the land developer to set aside some open space for recreation or pay a fee in lieu of that. DiNicola said he thinks the developer does not feel an obligation to contribute towards a recreation fee, based on the lack of impact his development will have on the use of recreational facilities versus what a housing development would have.

Zimmerman said the ordinance does not address the zoning of the property to be developed, only residential or non-residential and in the future this may need to be amended. Zimmerman said speaking for himself, this development will not have an impact on the recreation of the Township; he would accept the waiver. Zimmerman said for the record, a member of the Planning Commission they were at last week stated that it is legalized extortion and there was a bathroom that cost over \$300,000 dollar, the bathroom cost about \$120,000 and \$40,000 of it was grant money. \* See 11/9/16 Meeting Minutes - Corrected to 50,000 square feet.

DiNicola said the Board will not make a decision tonight, they may give their opinion if they want, but he does not want Martin or Kimsey to rely on the discussion to their detriment. Discussion followed on setting a precedent if it the waiver is granted, definition of the Rural Preservation zoning district and the possibility of a compromise in this situation.

Kosack said under the requirement it states either residential or non-residential and this is clearly a non-residential development and a waiver would have to be justified. Ferguson said there have been other approved plans that did not have an impact on Recreation and they have paid the fees. Zimmerman said the other plans were not in the Rural Preservation zone and requested an amendment to the SALDO be put on the agenda to exempt Rural Preservation from this fee.

Kosack proposed to take no action until the plan is presented to the Board, Stump agreed. Zimmerman disagreed saying they should be able to give an opinion. No action was taken.

**Recreation Board** – Zimmerman asked Larry Hoffman if the Scout troop wanted to replace the deteriorating sign. Hoffman said he thought they were going to try to repair it. Zimmerman suggested to the Board they contribute to the costs of the project and the Board agreed. Hoffman said he would let the Recreation Board know.

**Road Foreman** – Stump commented briefly on the activities of the road crew.

**Zoning Hearing Board**

- Kosack stated the October 27, 2016 hearing is cancelled, no requests were received to be heard.
- Zoning Ordinance Recommendations – Kosack read a letter the Zoning Hearing Board sent to the Board of Supervisors recommending amendments to the Zoning Ordinance including regulations for upcoming zoning issues such as medical marijuana, Airbnb's, natural gas compressor stations and limiting multiple families living in a single dwelling.

**Zoning Hearing Board, cont.**

DiNicola said Hummel gave him information to review for the Supervisors meeting and noted the Zoning Ordinances were adopted in 2009. DiNicola said Zoning Ordinances are done with significant input from Township engineers and amending the Ordinance is a comprehensive task with public hearings required. Hummel said there are definitions that need to be added and revised. DiNicola suggested a global amendment of the Ordinance. No action was taken.

**Zoning Officer / Floodplain Administrator** – The Zoning Officer issued 12 new permits, received 34 phone calls, 2 complaints, and performed 3 inspections in September.

**OLD BUSINESS**

**Township Building Air Quality** – Kosack said everyone has a copy of the report from Air Care & Restoration Co., Inc. and asked Ferguson to review it. Ferguson said Air Care’s report includes a review of test results from 1Source’s initial testing and their own recommendations for testing and abatement. Ferguson read part of the “Air Advice Results” from the report including particulate build-up on passive ceiling registers in the office and office air tests that showed cellulose fibers were between 11 to 15 times greater than reported outside.

Ferguson said the proposal from Air Care to remove and replace the main duct work with galvanized metal, remove and dispose the existing insulation in the attic, and removal of all old carpeting in the building was a cost of \$9,648.00. Ferguson said a second quote received for removal of the insulation only would bring the cost down by \$680.00 and the total for the project to \$8,968.00.

Zimmerman said we have been here for about two hours and asked those in attendance if anyone was having problems with their eyes, ears or throat; no one responded. Zimmerman asked Hummel if she had symptoms. Hummel said her eyes are burning and earlier she had a choking episode when she went into the Supervisor’s office; some days there is a horrible smell in the offices. Hummel said we have been trying to deal with the problems by wearing breathing masks.

Zimmerman said Ferguson said that Air Care recommended abatement methods, but they recommended further IAQ Evaluation, a 4 hour sampling of the indoor air in the office spaces for a full chemical compound analysis. Ferguson said we had the testing done, but the results aren’t back yet. Zimmerman said there is no way to determine what abatement should be done until the samples come back from the lab. More discussion was held between Zimmerman and Ferguson.

After reading the proposals aloud, Kosack made a motion to accept the proposals from Air Care & Restoration Co., Inc and Safeway Environmental, LLC. totaling \$8,968.00 for abatement of the air quality in the Township Building; Stump seconded the motion. Kosack and Stump voted in favor of the motion, Zimmerman opposed the motion, motion carried 2 to 1.

Stump asked when the work would be done and if the office had to be closed. Hummel said the work could start next Monday and Ferguson said the office would have to be closed for five days. Ferguson said she was trying to contact the Joint Treatment Authority to see if we can use office space there because they have the internet access we need. Stump asked if a budget amendment needs to be made to pay for the abatement. Ferguson said the amendment can be made at a later meeting when the bills come in.

**Property Tax** – Solicitor DiNicola said he would need and any millage assessment from the Board at the November 9<sup>th</sup> meeting in order to advertise for adoption before the end of the year. Discussion was held on the date the tax rate is due to the County and DiNicola said he would prefer the Township adopt the ordinance before the end of the year.

**Police Protection** – Kosack said there was nothing new to report and no comments were received.

**NEW BUSINESS**

**Williams Company Road Opening Permits / Road Agreement** – Ferguson said she received 6 driveway permit applications and 5 road opening permit applications from Williams Company with no fees. Ferguson said she reviewed the driveway permits with the Road Foreman but she thinks the road opening permit applications are more complicated and should be forwarded to the Township engineer to process and assess the fees. The Board of Supervisors and DiNicola agreed.

**Williams Company Road Agreement, cont.**

DiNicola said he is working on the Road Agreement and has been in contact with their land person, he will probably have a draft agreement for the Board's consideration at the November meeting.

DiNicola said the agreement would be regarding the excessive use of Township roads, with a pre-inspection video of all the roadways they plan to use in the Township and they will be required to post a bond based on the miles of road and an escrow for the Township's legal and engineering fees for enforcement of the agreement.

Discussion was held on the use of 2 ½ Mile Road and DiNicola agreed to put that road into the agreement with Williams.

**CORRESPONDENCE**

**Township Authority 2015 Audit Reports** - Ferguson noted for the record the Township received the Township Authority 2015 audit reports; copies were emailed to the Supervisors and they are on file at the Township.

**Bethel Comprehensive Plan Notice of Public Hearing** – Kosack noted the public hearing is October 25<sup>th</sup> at 6:54 PM for Bethel Township's Comprehensive Plan for anyone who wants to attend.

**PUBLIC COMMENT**

**Gerald Lengel** said the chicken house will have an environmental impact on the Township, the odor from the chicken houses is unbearable and there will be an impact on Township roads from all the heavy trucks that go every day. Lengel also said the Township should get everything they can when they negotiate with Comcast; they take \$40 million from Schuylkill County alone and it's crazy. Zimmerman said if we get more money from Comcast they will pass the cost on to the resident. Lengel said they are passing it on anyhow, they increase the costs every year. Zimmerman said yes, but not in the local tax which is the only part the Township has control over.

**Richard Werner** asked how long the gas pipeline is in the Township and Zimmerman said 7 miles.

**ADJOURNMENT** – At 8:12 PM Kosack moved to adjourn the meeting, Stump seconded the motion; all were in favor and motion carried 3 to 0.

**Respectfully submitted,**

**Kathy Ferguson, Township Manager**

**Approved by the Board of Supervisors on November 9, 2016.**