
PINE GROVE TOWNSHIP SUPERVISORS

175 OAK GROVE ROAD, PINE GROVE, PA 17963

OCTOBER 10, 2018 MEETING MINUTES

CALL TO ORDER – Chairman Bruce Kosack called the October 10, 2018 meeting to order with the Pledge of Allegiance at 6:30 PM. In attendance were Vice-Chairman Howard Lengel, Supervisor Ray Stump, Solicitor DiNicola, Township Manager Kathy Ferguson, Alexa Kramer, J. T. Herber, Ruth McMullen, Eileen Miller, Kim Miller, Lisa Moyer and others, list on file.

PUBLIC COMMENT ON AGENDA ITEMS – No public comment was received.

MINUTES / FINANCIAL

September 12, 2018 Meeting Minutes – Stump moved to approve the September 12, 2018 Meeting Minutes and Lengel seconded the motion; all were in favor and motion carried 3 to 0.

Treasurer's Reports – The September General Fund beginning balance was \$389,111.95, receipts were \$394,228.60; expenses were \$387,826.97 (*Receipts and Expenses include a \$302,000 transfer in from Capital Reserve and payment out for the 2018 Road Paving Project*) and the September General Fund ending balance was \$395,513.58. The Capital Reserve Fund September ending balance was \$3,054,302.06 and the Liquid Fuels Fund September ending balance was \$678,140.21. The September Combined Funds ending balance was \$4,127,955.85. Kosack moved to approve the Treasurer's September report. Stump seconded the motion, all were in favor; motion carried 3 to 0.

- Investment Update – Ferguson said some Commercial Paper and two CD's came due in September. Ferguson said the Township is at the maximum percent of investment for Commercial Paper so she invested in two CD's for 6 and 7 months leaving \$85,000 in the principle to bundle with a December investment. Ferguson explained Townships have only recently been allowed to invest in the higher yield commercial paper markets. Ferguson said investments are done with a broker from Fulton Bank, Township funds are FDIC insured because no more than \$250,000 is invested with a bank at a time.

Approval of Bills

- Volunteer Fire Relief Association – Ferguson said the Township received the 2018 State Aid allocation for supporting Volunteer Fire Relief Associations in the amount of \$21,291.00 which was divided evenly between Ravine and Suedburg Fire Companies; payments of \$10,645.50 to each company are included in the bills.
- Municipal Pension System State Aid – Ferguson said the Township received the 2018 Pension State Aid allocation of \$12,384.66 which covers the Township 2018 pension invoice of \$8,638.00. Ferguson said the Township must return any State Aid money that is over the amount we owe; payment for the pension plan included in the bills is \$12,384.66.
- Ravine Fire Company Annual Donation - Ferguson said Ravine Fire Company submitted their financial statements and their request for the annual Township donation; the donation of \$13,500 is included with the bills.

Lengel said last month they bought a new item, he signed the purchase order, the Roadmaster signed the bill, we went to a place and bought a piece of equipment; we talked to the business and they gave us credit until the next meeting. Lengel said Tuesday afternoon the bill was there to be paid, Wednesday we approved the bills, and Thursday we found out the bill wasn't paid; then we paid it with the credit card. Lengel asked why the bill wasn't paid with the checks. Ferguson asked if the bill was on the bills list. Lengel said she had it there. Kosack asked if he is saying the bill was paid wrong. Lengel said the bill was paid with a credit card, but it should have been paid that night.

Ferguson said Lengel is casting aspersion on her as Treasurer, that she is not doing her job correctly. Ferguson asked Lengel if he is accusing her of doing something illegal and he said no. Ferguson asked if he was talking about the bill for PaulB. Lengel said yes. Ferguson said it was a quote, not an invoice; she was waiting for the invoice to list it with the bills for payment and said Lengel had approved the payment by credit card the day after the meeting. Lengel apologized to Ferguson after prompting from Kosack; Ferguson accepted the apology and the matter was resolved.

Approval of Bills, cont.

Stump moved to approve the bills in the amount of \$112,382.13, Kosack seconded the motion, all were in favor and motion carried 3 to 0.

PERSONS TO BE HEARD

Alexa Kramer (Schuylkill Conservation District) said the Conservation District wanted to make the Township aware that at a future meeting they will want to discuss land in lieu of recreation fees for the Villas at Pine View Development which would help the Swatara Creek Restoration Project move forward. No discussion was held.

J.T. Herber (Pine Grove Area Soccer) thanked the Board on behalf of the Soccer Association for the opportunity to use the Recreation Area field. Herber said they are aware of the issues with parking and are doing everything they can to control it. Herber said they are involved with leagues from Schuylkill, Berks and Lebanon counties and on each website they are instructed to park in the lower gravel lot. Stump said since the Township put signs up everything has been working pretty well. Herber said the Township can contact him if there is anything else.

Ruth McMullen said she is here because of all the damage on her property that stems from up on Trumbo Road where the drain isn't in right, it is under the macadam then goes on Klingers land, then is diverted to her land and she is getting all the water. Kosack asked if it is every rainstorm and she said this one, she has lived there 48 years and never had a problem like this.

Lengel said there was a lot of damage everywhere and we were up there; what can we do, the water flows downhill. Lengel said he had to put terraces in at his place and is putting a trench in now to contain the water. Lengel said you have to look at your own property, he knows there is water up on the hill; the Township can't go on anybody's property. McMullen asked why it wasn't put in right in the beginning, down on Trumbo Road.

Kosack asked McMullen what damage she had and talked about the issue of stormwater management facing the Township, asking for residents to serve on a committee to address the issue. McMullen said she was told they were talking to the engineer and they would get back to her. Stump said they were out there and the engineer was supposed to let them know if we could do anything, he didn't let us know yet.

Lengel said the first rainstorm we had over 12 inches of rain and in Suedberg they had 20 inches of rain in the second storm; you don't get those every day. McMullen said it cost her thousands of dollars to fix the damage on her property. Kosack asked her to be on the stormwater management committee and McMullen said she doesn't have time. Lengel said you have to consider rains like this an act of God. Kosack said there is no amount of engineering we can do to avoid what has happened. McMullen asked if there is any help from FEMA and Kosack said no because it was not declared a disaster.

Eileen Miller asked what happened since the August meeting. Ferguson said yesterday we received a written report from the Township Zoning Officer regarding his site visit with the Township Road Foreman to look at the driveways for 50 and 54 Oak Grove Road. Ferguson read the report listing a recommendation to install swales on the driveway at 54 Oak Grove Road and installing a pipe under the driveway at 50 Oak Grove Road to stop water from running across Oak Grove Road onto the Miller property.

Miller asked DiNicola to explain Township Zoning Ordinance §616.5 and §616.9 (Driveways) to her. DiNicola read the sections and Miller said the mud can't come across the road onto her property. Miller said she has been asking about this since 2014 and if the pipe is the answer and the Township doesn't do anything, she is going to seek legal counsel for damages.

Stump said the Township can clean the ditch and cut the driveway down in the Township right-of-way. Lengel said he talked to the owner of the one driveway and he did work to cut down his drive. Kosack said if we can't correct it, or the correction is not available, the only recourse she may have is to take action against her neighbor.

REPORTS

Committee Reports

- **CDBG** – Ferguson said a public hearing regarding removal of handicap barriers in the community will be held on October 17th at 1 PM in the Commissioners Board Room.

Public Works / Property / Roads

- **Oak Grove Road Stormwater** – Ferguson said the Lehigh Engineering recommendations on stormwater were reviewed earlier in the discussion with Eileen Miller.
- **Paving Project** - Ferguson said we received an additional invoice from New Enterprise for the 2018 paving project in the amount of \$17,883.09 for the asphalt adjustment. Ferguson said she has contacted the PennDOT rep to recalculate the project closeout paperwork, but has not heard back from him. Stump said he has not heard from him.
- **PennDOT, Reduced Speed Sign** – Ferguson explained the Township owns the 25 mph speed limit signs on SR-895 from the Borough line to SR-501; due to a traffic study PennDOT did, they are requesting we put a “Reduced Speed Ahead” traffic sign on SR-895 to comply with signage requirements. Lengel moved for the Township to purchase, install and maintain the “Reduced Speed Ahead” sign on SR-895 as specified in the PennDOT request. Kosack seconded the motion, all were in favor and motion carried 3 to 0.

Engineer/Planning Commission

- **City of Lebanon Authority Minor Subdivision Final Plan** – Stump moved to approve the City of Lebanon Authority Minor Subdivision Final Plan, Lengel seconded the motion, all were in favor and motion carried 3 to 0.

Recreation Board – No comments received.

Zoning Hearing Board

- **Workshop Meeting Minutes** for September 11th and September 27th were received.
- **Request for Benesch Assistance** – Ferguson read the letter from the Zoning Hearing Board stating they have been working on updating the current Township Zoning Ordinance since June. The letter requested the Township Engineer prepare/add a riparian section, revise the Timber Harvesting Controls (§635) in the current Ordinances, and requested the proposed revisions be reviewed by the Planning Commission and the Board of Supervisors.
Ferguson said Cynthia Hummel, Zoning Hearing Board Secretary, printed a booklet listing all the proposed revisions and provided the Board of Supervisors with copies for their review. Ferguson reviewed the cost estimate of \$5,000 received from Ryan Fasnacht, Planning Commission Engineer for the revisions and review of Zoning Ordinance. The Board of Supervisors agreed to move forward with the review process.
- **Pay Increase Request** – Kosack said the Zoning Hearing Board has requested a pay increase and he is in agreement with their request, but it was not in this year’s budget; he would like to consider it at the Township Organization meeting along with the other Township Boards pay rates. Stump and Lengel agreed, matter was tabled.
- **October 25, 2018 Zoning Hearing** is cancelled, no requests to be heard were received.

OLD BUSINESS

Schuylkill County Township Officials Association Convention – Kosack noted the convention would be held on October 17th, the same day as the CDBG hearing.

NEW BUSINESS

Budget Meetings – 2019 Budget Meetings will be held at 6:30 PM on October 22nd, October 29th, and November 19th in the Township Municipal Building.

Township Manager Ordinance – Lengel said he would like to to rescind the ordinance for the Township Manager position. Kosack said in order to do that certain things need to take place, he isn’t going to discuss it at this time because you are only putting a proposed ordinance forward. Lengel said he is making a motion to rescind the Township Manager.

DiNicola said for clarification purposes, the Township does have an ordinance from the late 1990’s that created the position of Township Manager. DiNicola said the Second Class Township Code does allow you to abolish that position, but it has to be done by ordinance. DiNicola said it cannot be

Township Manager Ordinance, cont.

done tonight, the Board would have to authorize him to prepare and advertise an ordinance for consideration at next month's meeting; it could then go into effect if approved by a vote of the Board.

DiNicola said he would be remiss if he didn't indicate the Board has the option, in lieu of abolishing the position, to change any of the Township Manager job descriptions, eliminate some of the power, and change the duties of the position.

Lengel moved to authorize Solicitor DiNicola to prepare an ordinance to abolish the Township Manager position and Stump seconded the motion.

Kosack asked why after all these years we are getting rid of this position. Lengel said he went to all the seminars for Township Supervisor and Kosack asked him when. DiNicola cautioned the Supervisors saying it is a personnel matter and could be discussed in an executive session, it is a sensitive issue and Kathy is present. Ferguson said she is okay with having the discussion in public.

Kosack said he feels there is some animosity here and getting rid of the position is not the right answer. Kosack said the Township has a need for a manager and Stump said yes, that he did agree with him. Lengel said we put people in office that don't have time to do Township business; we are elected to represent the people, we don't put people in and let them state their opinion and everything comes back to eat us anyway. Kosack said nothing has come back to him. Kosack said he thinks there is an issue here that goes far beyond abolishing the Township Manager position.

Kosack said there is a motion on the table and called for the vote. Lengel and Stump voted in favor to authorize Solicitor DiNicola to prepare an ordinance to abolish the Township Manager position, Kosack opposed the motion with strong objection.

CORRESPONDENCE – No correspondence was received that required action by the Board of Supervisors.

PUBLIC COMMENT

Bobby Brown, asked if there have been any environmental impact studies started on the property development above Arby's and asked if anyone has gone down behind Swatara Village to look at the blockage in the creek that has been there for three months, he is asking for Ralph Hummel, the Floodplain Administrator to look at it and recommend to do something. Discussion followed on the who is responsible to clean out the blockage after Brown said he feels the Township is responsible to do something. A lengthy discussion followed about the water issues at Swatara Village and the fact that Pine Grove Township does not have ordinances to address the problems.

Ferguson asked if Brown has the booklet DEP published for stream maintenance which has guidelines on what can be done in streambeds, Brown said no. Ferguson said she could print it for him, it may be a help. Kosack said it goes back the Township's need for a stormwater management program; he asked Brown if he would support the program and Brown said he would help.

Lisa Moyer, home owner at 50 Oak Grove Road, addressed comments earlier in the meeting about their driveway. Moyer said on three separate occasions they did come to the Township and ask to put a pipe in that driveway before they paved it; each time the Roadmaster told us no because the Township didn't want to clean the pipe out. Moyer said they graded it down and the Roadmaster came out and said it was okay. Moyer said they went to their attorney and have all the documentation of what they did; they don't feel it is their responsibility since the Township changed their mind and wants a pipe in now. Moyer said if the Township wants to cut the driveway, put a pipe in and repave, that is fine.

Lengel said the problem is your driveway should have started back further, your driveway is partly on our right-of-way; it is a mistake by their contractor and needs to be corrected. Kosack thanked Moyer for her comments.

ADJOURNMENT – At 7:50 PM Stump moved to adjourn the meeting, Lengel seconded the motion; all were in favor and motion carried 3 to 0.

**Respectfully submitted,
Kathy Ferguson, Township Manager**

Minutes approved by Board of Supervisors on November 14, 2018.