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## **PINE GROVE TOWNSHIP SUPERVISORS**

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

**NOVEMBER 14, 2018 MEETING MINUTES**

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**CALL TO ORDER** – Chairman Bruce Kosack called the November 14, 2018 meeting to order with the Pledge of Allegiance at 6:35 PM. In attendance were Vice-Chairman Howard Lengel, Supervisor Ray Stump, Solicitor DiNicola, Township Manager Kathy Ferguson, Diane Tobin, John T. Stahl, Carl Huntzinger, Wayne Lehman, and others, list on file.

**Executive Session** – Chairman Kosack announced the Board of Supervisors and Solicitor DiNicola were in an Executive Session prior to the Township meeting on personnel matters, no action will be taken at this time.

**PUBLIC COMMENT ON AGENDA ITEMS** – Diane Tobin said she would like to know why they want to abolish the Township Manager position when they were in favor of it years ago. Kosack said it will be discussed during the meeting.

### **MINUTES / FINANCIAL**

**October 10, 2018 Meeting Minutes** – Stump moved to approve the October 10, 2018 Meeting Minutes and Lengel seconded the motion; all were in favor and motion carried 3 to 0.

**Treasurer's Reports** – The October General Fund beginning balance was \$395,513.58, receipts were \$328,031.37; expenses were \$417,215.40 (*Receipts and Expenses include a \$302,000 transfer in from Liquid Fuels Fund and payment out to Capital Reserve to reimburse for the September 2018 Road Paving Project payment*) and the October General Fund ending balance was \$306,293.55. The Capital Reserve Fund October ending balance was \$3,359,976.00 and the Liquid Fuels Fund October ending balance was \$377,236.20. The October Combined Funds ending balance was \$4,043,505.75. Kosack moved to approve the Treasurer's October report. Stump seconded the motion, all were in favor; motion carried 3 to 0.

**Approval of Bills** – Ferguson noted an additional invoice of \$2,100 from Solicitor DiNicola was added for approval and that the New Enterprise invoice for the August asphalt adjustment was included in the bills for approval. Stump moved to approve the bills in the amount of \$71,096.97, Kosack seconded the motion, all were in favor and motion carried 3 to 0.

Ferguson said PennDOT rep Charles Paris had not responded to our question about including the August asphalt adjustment invoice with the 2018 Paving Project until yesterday; he said he would have to redo the Liquid Fuel reports if we want to pay it out from that fund. Ferguson said the Board needs to decide if they want the invoice paid with Liquid Fuels Fund or General Fund money.

Stump moved to approve paying the New Enterprise August asphalt adjustment invoice of \$17,883.09 with General Fund money. Lengel seconded the motion, all were in favor and motion carried 3 to 0.

### **PERSONS TO BE HEARD**

**John T. Stahl** (President of the Swatara Creek Condominium Assoc. - SCCA) introduced Carl Huntzinger (Treasurer of the SCCA) and said they are representing their community regarding the roads agreement the Township, the bank, developer Tim Lobach, and their Association signed in August of 2014. Stahl said there was a five year date in the agreement that Lobach, as the owner of the 18 unsold lots would have control of the money for final improvement of which there is currently \$40,000 held in the Township's coffers. Stahl said there is nine months left on the agreement and there are several things the Association would like to get organized with the Township. Stahl said Lobach has not built any homes and the five year period was so Lobach could substantially build out the subdivision. Stahl suggested the Supervisors could consider offering an extension of the agreement. Stahl said the bank is no longer in business, so the only parties involved are the Township, the SCCA, and Lobach who is on their Board, and he is authorized to speak for Lobach tonight.

**PERSONS TO BE HEARD, John T. Stahl, cont.**

DiNicola reviewed the original intent of the agreement and asked Stahl what is the intent of the SCCA. Stahl asked if it would be feasible for the Township to delay or extend the agreement. Stump said he thinks Stahl is asking if the Township would take over the roads, which are up to specs, he looked at them. Stahl said right now there is \$40,000 in the agreement with the SCCA responsible for any costs above that. Stahl said if the Township would consider taking over the roads, they could keep the \$40,000 and the SCCA would be willing to put in at least \$10,000 for the final improvements. Stahl said the original estimate for the roads was about \$50,000 and although there was no intention to dedicate the roads, they were built to Township standards. Stahl said they are willing to waive the intention for it to be a private 55+ community in order for the roads to be dedicated to the Township.

Kosack asked if there would no longer be an association and if they would be regular township residents. Stahl said there would be no need for an association. Kosack said the Board would have to discuss this. Stahl said he is here to get the discussion started and added there are 2,225 feet and a 100 foot diameter cul-de-sac making up three roads.

DiNicola said this is a complex situation, the agreements in place may need to be amended, we haven't talked to Lobach to verify his representation, and if they aren't ready for the road overlay, there will be additional costs if and when it is done. DiNicola said politically the Board can do what they want, but this development's roads were never intended to be dedicated to the Township, there is language in the agreement to reflect that. DiNicola said Stahl's predecessor signed that agreement, now they have changed their mind because there is considerable expense which they want the Township to incur.

Stahl said they could complete the original agreement, the roads could be top coated now except for the 18 homes that can go in. Stahl said that is why he asked about putting the agreement off, because if the Township did adopt the roads, they would have \$50,000 towards the final improvements plus whatever they get per year from Liquid Fuels. Stahl said the community was intended to stay private, but they don't have the wherewithal to do that, they have been slowly sinking financially.

**REPORTS**

**Committee Reports**

- › Fire Companies / EMS – Ferguson said she has set up a meeting with Fire Chiefs Greg Pijar and Herb Feity on Monday before the Budget meeting to review the new recruit training reimbursement forms.

**Public Works / Property / Roads**

- › Old Forge Road – Lengel said he spoke with Union Township and they are trying to change the name of Old Forge Road in Lebanon County.
- › Swopes Valley Road Bridge – Lengel noted the Historical Study has delayed the bridge project.

**Engineer/Planning Commission**

- › Neil & Sherry Martin to Edwin & Karen Morgan Annexation Final Plan – Kosack moved to approve the Martin – Morgan Annexation Final Plan as recommended by the Planning Commission. Stump seconded the motion, all were in favor and motion carried 3 to 0.
- › Aungst Annexation Final Plan Request for Planning Waiver & Non-Building Declaration – Stump moved to approve the Planning Waiver & Non-Building Declaration request for the Aungst Annexation Final Plan. Kosack seconded the motion, all were in favor and motion carried 3 to 0.
- › Shadle Plan Annexation Final Plan – Request for Planning Waiver & Non-Building Declaration – Stump moved to approve the Planning Waiver & Non-Building Declaration request for the Shadle Annexation Final Plan. Lengel seconded the motion, all were in favor and motion carried 3 to 0.
- › Eugene Martin Poultry Barns Land Development Plan – Release of Escrow – Kosack moved to approve the release of the Letter-of-Credit No. D007283 from Eugene H. Martin and Reba W. Martin in the amount of \$55,705.00, drawn on Fulton Bank, based on the inspections and recommendations of Township engineer Ryan Fasnacht. Stump seconded the motion, all were in favor and motion carried 3 to 0.

**Engineer/Planning Commission, cont.**

- › Swatara Creek Restoration Project/Villas of Pine View – Ferguson said the Planning Commission reviewed the situation with Lot 41 as land in lieu of recreational fees.
- Wayne Lehman (Schuylkill Conservation District) said to keep this project moving they would need to subdivide Lot 41. Lehman said developer Philip Riehl indicated if the Township would accept Lot 41 in lieu of the open space fees, it could be used in the Restoration Project and grant money would not have to be used to subdivide the land. Lehman said they have received the permits and are projecting going out to bid in January or February. Discussion followed with the Board of Supervisors.

Ferguson read the recommendation from the Planning Commission to the Board of Supervisors to waive the fee in lieu of open space if someone else takes ownership of the property. DiNicola said he thinks their concern is liability and maintenance.

Lehman said he will present taking ownership of the land to Pine Grove Borough at their meeting tomorrow and if they wouldn't take it, the County might take ownership. The Board said they will wait to see what the Borough decides before making a decision.

**Recreation Board** – No comments received.

**Zoning Hearing Board** – November 15, 2018 Zoning Hearing is cancelled, no requests to be heard were received.

**OLD BUSINESS**

**Abolishing Township Manager Ordinance** – Kosack said they are going to table this tonight because they are still in discussion on this, they will have a decision by next month's meeting.

Diane Tobin said she was curious about the thought process behind abolishing the Township Manager ordinance. Kosack said he agreed.

**NEW BUSINESS**

**Budget Meeting** – A 2019 Budget Meeting will be held at 6:30 PM on November 19<sup>th</sup> in the Township Municipal Building.

**City of Lebanon Authority Right-of-Way** – DiNicola said he is sending a deed of dedication to the City of Lebanon Authority for the right-of-way for Old Forge Road bridge, when they execute it the Township will need to accept it by resolution which he has ready for signatures tonight. DiNicola reviewed the resolution granting the Township a right-of-way along Old Forge Road for the wing walls of the bridge. Stump moved to adopt Resolution #2018-15 granting the Township a right-of-way along Old Forge Road from the City of Lebanon Authority, contingent upon execution of the document. Lengel seconded the motion, all were in favor and motion carried 3 to 0.

**CORRESPONDENCE**

**James Morgan, Elected Auditor Resignation** - Stump moved to accept the resignation of James Morgan as Elected Auditor, Lengel seconded the motion; all were in favor, motion carried 3 to 0.

**PUBLIC COMMENT**

**Diane Tobin** asked the Supervisors when they decided to table the Ordinance, because they didn't talk about it in the meeting. DiNicola said she wants the Board to make a formal motion. Tobin said they tabled it, but they didn't talk about it. Stump moved to table the Township Manager Ordinance, Lengel seconded the motion, all were in favor and motion carried 3 to 0.

**ADJOURNMENT** – At 7:20 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**

**Approved by the Board of Supervisors on December 12, 2018.**

