

**PENN FOREST TOWNSHIP
BOARD OF SUPERVISORS
2010 STATE ROUTE 903
MEETING MINUTES**

September 3, 2019

The Regular Monthly Meeting of the Penn Forest Township Board of Supervisors is being held at Penn Forest Township Municipal Building, 2010 State Route 903, Jim Thorpe, PA.

PLEDGE OF ALLEGIANCE:

Chairman Warren Reiner asked that all in attendance stand and recite the "Pledge of Allegiance".

CALL TO ORDER:

Supervisor Warren Reiner called the meeting to order at 7:00 p.m.; Roll Call by Township Secretary.

Members: Warren Reiner, Chairman
 Roger Meckes, Vice-Chairman
 Judith Knappenberger, Supervisor (by phone)
 Scott Lignore, Supervisor(arrived at 7:05 pm)
 Tom Cross, Supervisor

Office Staff: Dana Vitale, Secretary
Solicitor: Thomas S. Nanovic

A. EXECUTIVE SESSION: Was held from 8:20 - 8:25 p.m. to discuss legal matters.

B. PUBLIC COMMENTS AGENDA ITEMS ONLY - (3 Minute Limit)- NONE

C. MEETING MINUTES:

(1) REGULAR BOS MEETING ON AUGUST 5, 2019

MOTION made by Supervisor Reiner, Second by Supervisor Cross to approve the BOS Meeting Minutes from AUGUST 5, 2019.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

(2) SALDO HEARING ON AUGUST 5, 2019

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to approve the SALDO Meeting Minutes from AUGUST 5, 2019.

ROLL CALL: JK-abstain; SL-yes; RM-yes; TC-abstain; WR-yes **MOTION** Passed

D. SECRETARY: ACKNOWLEDGE CORRESPONDENCE RECEIVED

- 1) **MAUCH CHUCK TRUST COMPANY COLLATERALIZED DEPOSIT (No Motion)**
- 2) **JIM THORPE NEIGHBORHOOD BANK POOLED INVESTMENTS (No Motion)**
- 3) **JIM THORPE ROTARY-THANK YOU LETTER- SUMMER REC. PROGRAM (No Motion)**
- 4) **USDA-SPOTTED LANTERNFLY COOPERATIVE CONTROL PROGRAM**

Representatives from the USDA met with township secretary regarding this urgent matter. They are seeking consent from the township to access township property to determine if any treatment is necessary. There is no charge for both. Only the infected tree will be treated.

MOTION made by Supervisor Reiner, Second by Supervisor Cross to **ALLOW** USDA to enter on township property and treat for Spotted Lanternfly as necessary.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

- 5) **KIRK, SUMMA SUBMITTED DECEMBER 31, 2018 FINANCIAL STATEMENT (No Motion)** Condensed version was advertised in the Times News on 8/14/19.

- 6) **AMUSEMENT TAX REFUND REQUEST- PENN'S PEAK OVERPAYMENT**

Penn's Peak in error submitted a duplicate payment for the month of June. They paid \$12,370.86 instead of \$6,185.43. They are requesting a refund of overpayment \$6,185.43.

MOTION made by Supervisor Reiner, Second by Supervisor Cross to issue refund to Penn's Peak for duplicate Amusement Tax payment in the amount of **\$6,185.43**.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

E. TREASURER'S REPORT:

(a) MAUCH CHUCK TRUST COMPANY (Statement balance as of 8/29/2019)

Township General Fund:	\$ 3,043,451.51	State Liquid Fuels Fund:	\$ 404,297.47
Capital Reserve Fund:	\$ 15,682.16	Sanitation Fund:	\$ 986,649.11
Septic Fund:	\$ 227,956.93	Park/Recreation:	\$ 361,564.90
SALDO	\$ 9,209.53	Payroll:	\$ 19,485.13
Debit Card Account	\$ 2,906.87	Rent	\$ 2,000.04
TOTAL:			\$ 5,073,203.65

(b) MAUCH CHUCK TRUST COMPANY – Certificates of Deposit (as of 8/29/2019)

Account Ending:	1301/ #1301 -	\$ 2,000,000.00 (13 month CD)
	3394/ #5851 -	\$ 255,020.59 (6 month CD)
	3382/ #4619 -	\$ 255,149.59 (6 month CD)
	3383/ #4686 -	\$ 514,847.45 (1 yr CD)
TOTAL:		\$3,025,017.63

(c) JIM THORPE NEIGHBORHOOD BANK – Certificates of Deposit (as of 8/29/2019)

Account Ending:	1495	-	\$ 103,509.04
	1710	-	\$ 105,081.45
	0064	-	\$ 102,038.88
TOTAL:			\$ 310,629.37

TOTAL FUNDS ON DEPOSIT: \$ 8,408,850.65

1) **MOTION** made by Supervisor Reiner, Second by Supervisor Meckes to accept Treasurer’s Report for AUGUST 2019 (Subject to Audit).

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

2) **PAYMENT OF THE BILLS FOR AUGUST 2019**

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to pay the bills for AUGUST 2019.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

F. NEW BUSINESS:

WARREN REINER, CHAIRMAN

ROADMASTER REPORT FOR AUGUST 2019

Chairman Reiner stated School House Road is tar & chipped. Behrens & Church road will be done this week they got behind because of all the rain they did notify us. Shiffer is coming in to patch holes at the township building and the transfer station. We finished all the roads for shoulder cutting.

DISCUSSION: PIERCE BROADBAND- LAND DEVELOPMENT REQUIREMENT

Attorney Nanovic- Pierce Broadband received their approval but the issues came up if they need a Land Development Plan. Attorney Nanovic discussed the law cases regarding similar cases that cell towers would or would not need a land development plan in the municipality planning code. In the last 12 yrs. there have been a number of cases for the mere fact that property is divided for the purpose of a lease does not create the need for a land development approval and there are PA supreme court dealt with a application to lease property to place a bill board and the supreme court and they said no. Land Development is really about construction of buildings, housing condominium, sewer, water, roads, buildings. There have been in PA pellet court some say they need it and some say they don't. I don't think there is necessarily a correct answer. The two things that seem to be the distinguishing factors and important are the equipment buildings or the access roads. That is why I asked the John to be here and tell us what the facilities are going to be and will any of this trigger a land development.

John DeCusatis- the facilities that they are proposing are a 445ft tower, elevated platform of 4x8 concrete pad which is will be for the equipment cabinet, 8 foot chain link fence, 3 strands of barb wire and a gate, a short 12 ft. wide access asphalt driveway through the township parking lot and 10 foot wide easement. The things I would bring up are the lease hold its a division of space through two occupants for a lease hold that would meet the Townships definition of the land development, not

taking in account any case law offered as advice through the Solicitor. The access wont have access onto 903 its comes through this developments driveway.

Scott Lignore- the Cabinet sits on the elevated platform already?.

John DeCusatis- yes, it's the elevated platform is a concrete pad and which the cabinet will sit on. The platform for the cabinet is 4x8 foot. No building per say the lease hold. John is showing the small plot plan of proposed tower. Mt. Pocahontas cell tower they did go through land development but it was an undeveloped site.

Scott Lignore- Mt, Pocahontas they did go through Land Development, because it was undeveloped land?

John DeCusatis- Yes, they did, that was one difference. The driveway was very long. Ours will be approximately 60ft long.

Attorney Nanovic- In 2007 the PA Supreme court case said that merely having a lease does not create the necessity for a land development plan. Land Development is something more like sewer, storm water things like that. 2012 Eastern Federal Court case of PA said they did not need a Land Development Plan. Some say they do and some say they don't.

MOTION made by Supervisor Meckes, Second by Supervisor Reiner that Pierce Broadband **does not** need a Land Development Plan.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

The BOS had a discussion with regard to the staging area location for Pierce Broadband to park their equipment. They are requesting the entire back parking lot and some of the side at the Municipal Building. The board decided to meet with Tim Fincham from McKay Brothers to discuss this request further.

RATIFY THE MOTION QUOTES FOR CD'S

Mauch Chunk rates changed after the August 5th BOS meeting to reflect 13mth CD at 2.05%

MOTION made by Supervisor Reiner, Second by Supervisor Cross to RATIFY the transfer of \$2 million from the general fund to Mauch Chunk CDs for 13 months at 2.05%.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

HOLDING TANK MAINTENANCE AGREEMENT/REVIEW – MICROBREWERY

Mr. Stuckley 113 Danner Road has approval to operate a small microbrewery. The waste for the microbrewery is high in yeast content and cannot be discharged to a standard onlot septic system. The holding tank will be used to collect this waste, will pump out periodically and will be disposed at WWTP. Draft agreement attached, Solicitor will need to prepare new agreement.

TABLED FOR ATTORNEY REVIEW

MOTION made by Supervisor _____, Second by Supervisor _____ to approve the Holding Tank and authorize solicitor to prepare Holding Tank Agreement for Mr. Stuckley's Microbrewery.

ROLL CALL: JK____; SL____; RM ____; TC____; WR____ **MOTION**_____

RITAL LLC - SEWAGE FACILITES PLANNING MODULE-change of use

Keith Valentine, SEO submitted the following. Rital LLC, 1295 State Route 534 has proposed the conversion of an existing office building to a mixed-use convenience store/apartment building. The existing office building was served by an on-lot system permitted for 200 gallons per (GPD). The proposed change in use would increase peak flows to 1,400 GPD-two public restrooms (800 GPD) plus kitchen/cleaning (200 GPD) plus apartment (400 GPD). SEO completed his review and the planning module is administratively complete. The module has been reviewed by the Township Planning Commission and Carbon County Planning Commission, each taking action on their respective Component 4.

RESOLUTION #11 of 2019- PLAN REVISION FOR NEW LAND DEVELOPMENT-review & adopt

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to ADOPT Resolution #11 of 2019- Plan Revision For New Land Development for Sewage Facilities Planning Module-PADEP code No. 213920123-2.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

ADOPT ORDINANCE NO. 2 OF 2019 - AMENDMENT TO THE DEFINITION OF "LAND DEVELOPMENT" IN THE PFT SALDO

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to ADOPT Ordinance #2 of 2019, Amendment to the definition of "Land Development in the PFT SALDO.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

ADVERTISE FOR WINTER SNOW REMOVAL BIDS

MOTION made by Supervisor Reiner, Second by Supervisor Lignore to advertise for winter snow removal bids.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

ROGER MECKES, VICE CHAIRMAN

MILLENNIUM COMPUTER SERVICES, INC. PROPOSAL- NEW COMPUTER EQUIP.

Township Computer technician submitted a proposal to upgrade the office staff computers. The current computers are reaching the end of life date. As of Feb 1, 2010 Windows 7 will no loner be supported by Microsoft. Performance and reliability concerns have surfaced. The following is the recommend action: replace the 4 main computers \$3,120.00; 2 of the older computers are upgraded to replace the 2 very old computers which are occupied by BIA \$579.96; a new server \$3,684.00; network hardware \$232.98; wires & connectors \$184.20; set-up, data transfer, labor 40 hr. @ \$75.00 \$3,000.

Total= \$10,801.14.

MOTION made by Supervisor Meckes, Second by Supervisor Lignore to **ACCEPT** quote received from Millennium Computer Services for new computers and replace the two older computers with 2 new, not to exceed \$9,000.00.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

QUOTES RECEIVED- OFFICE RENOVATIONS

Quotes received from the following:

Lane Painting- \$6,955.00
Wells Painting- \$3,700.00
Boomer Floors- \$8,107.80

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to **ACCEPT** the quotes received from Wells Painting \$3,700.00 and Boomer Floors \$8,107.80.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

SET UP 2020 BUDGET MEETING DATES FOR OCTOBER

October : 2nd; 9th; 16th; 23rd

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to **ADVERTISE** for 2020 Budget Meeting Dates in October: 2nd, 9th, 16th, & 23rd, 3:00 p.m. at the TWSP building.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

G. PFT PARK AND RECREATION

QUOTE RECEIVED FOR PAVILION AT PLAYGROUND

Armada Buildings submitted a quote for the pavilion at the playground, \$10,787.00 for 24'W x 30'L x 10.4'H open pavilion.

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to **ACCEPT** the estimate from Armada Buildings for park pavilion total cost of \$10,787.00.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

RESOLUTION NO. 10 OF 2019- LSA MONROE GRANT APPLICATION-PARK PLAYGROUND

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to **ADOPT** RESOLUTION NO.10 OF 2019, to request a LSA Monroe County grant of \$265,000 to expand existing park playground.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

PARK ADVISORY BOARD- APPOINT TODD FOX

Alternate Todd Fox has expressed interest to become a regular member of the Park Advisory Board.

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to **APPOINT** Todd Fox as a regular Park Advisory Board Member.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

H. REPORTS:

WARREN REINER, CHAIRMAN

TRANSFER STATION

1) BID FOR NEW GARBAGE CONTRACT

MOTION made by Supervisor Reiner, Second by Supervisor Meckes to **AUTHORIZE** Solicitor to prepare bid documents for new Garbage Contract which will include recycling.

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

Chairman Reiner stated to Solicitor that we would probably purchase the compactor for recycling, just in case it doesn't work out we can always use another compactor.

2) BULK AMOUNT for AUGUST 2019---\$ 681.00 Year to Date Total: \$ 6,078.00

2017-2018 Residential Permits	(2)	\$ 200.00
2018-2019 Residential Permits	(5)	250.00
2019-2020 Commercial Permits	(0)	.00
2019-2020 Pro-Rated Permits	(5)	228.48
2019-2020 Residential Permits	(49)	2,450.00
TOTAL DEPOSITS		\$3,809.48
TOTAL DEPOSITS		\$9,887.48

3) ADMINISTRATIVE REPORTS

A) RIGHT-TO-KNOW REQUESTS FOR AUGUST 2019

Administrative & Financial Requests: (See Attached Lists)

Submitted: 30/ Responded: 30/ Total Hours: 30 hrs.

Zoning & Septic Requests: Submitted: 20 / Responded: 20

I. ZONING DEPARTMENT

1) Zoning Officer--- Kathryn Forry submitted Zoning Report for AUGUST 2019

J. PUBLIC COMMENTS – (3 Minute Limit)

Stacy Venetos- Any word on the traffic light at Old Stage & Route 903?

Supervisor Reiner- Stated it could take another year or so, we submitted a request to the State.

Stacy- The tractor trailers are not abiding to the speed limit and it is a serious safety concern.

BEING NO FURTHER BUSINESS, MEETING WAS ADJOURNED AT 8:10 P.M.

MOTION to adjourn meeting by Supervisor Reiner, Second by Supervisor Lignore

ROLL CALL: JK-yes; SL-yes; RM-yes; TC-yes; WR-yes **MOTION** Passed

REMINDERS:

- 1) The Next Regular Board of Supervisors Meeting will be held Monday, October 7, 2019 at 7:00 p.m.***
- 2) The Park and Recreation has rescheduled their September meeting to Thursday, September 12, 2019 at the park concession stand (weather permitted) at 6:30 p.m.***
- 3) The Planning Commission will hold their meeting on Monday, September 23, 2019 at 6:30 p.m. at the Township Building (if needed)***
- 4) Municipal Building will be closed on Monday, October 14th in observance of Columbus Day. The Transfer Station will be open.***

DANA VITALE
TOWNSHIP SECRETARY

WARREN R. REINER
CHAIRMAN, BOARD OF SUPERVISORS