

GLENBURN TWP BOARD OF SUPERVISORS' MEETING MINUTES April 16, 2012

Board Members in Attendance: Michael Savitsky, Dave Jennings and Bill Wicks

Board Guests in Attendance: Solicitor Malcolm MacGregor, Code Enforcement Officer Tom Wicks, Secretary/Treasurer Joanne Benson

Public in Attendance: Attachment

-Supervisor Savitsky called the meeting to order at 7:35pm with the pledge to the flag.

Minutes:

Supervisor Savitsky motioned to waive the reading aloud of and accept the minutes of the March 19, 2012 Township Meeting, Dave Jennings 2nd, All in Favor.

Financial Report/Presentation of Bills

Joanne reviewed the financial reports and the bills. **Mo. by Savitsky, 2nd by Jennings to pay the bills and accept the financial reports as presented. All in Favor.**

Carson Helfrich on Act 13 Zoning Changes: Carson discussed the Act 13 requirements addressing gas drilling. Act 13 preempts local municipalities. Gas wells must be allowed in every district. A 500 foot setback from any building is required in a residentially zoned area. Tom Wicks stated that the board should consider updating the zoning ordinance for 2013. Carson will work with Tom on the ordinance. Dave Jennings asked if the state has done anything to protect the homeowner. Carson stated that the regulations are supposed to prevent problems with contamination. Lackawanna County has passed Act 13 so Glenburn must comply under the County Zoning.

Hickory Ridge Sewer/Hotel: Mark Young cleared up a misunderstanding about the building of the South Abington Pump Station. He stated that Border was still committed to the project and will build the pumping station but that the time requirements were in dispute. Border has asked for a 10 year time frame since the current pumping station is still functional. Once that is resolved Glenburn can finalize their agreement with South Abington. Malcolm has been following up with the various solicitors involved and will continue to do so. Border Realty will continue to follow up with South Abington. Dave Jennings asked when we could expect an agreement and Mark was hopeful for early May.

Mark asked where the Township stood on the zoning for the Hotel. Malcolm stated that the Township was looking at several options. One option was to have a use variance for the hotel. Another option was to allow an exception in the C-1 zoning for a hotel with a certain number of acres. Border has 12 acres for the proposed hotel. Tom stated that the process would take a few months and that the Township would need the sewer agreements completed first. Once the advertisement and hearing was done then a preliminary sketch plan would need to be provided to the Planning Commission for review. Dave Botscheller stated that they have an engineer in place waiting to do the sewer plans and that sketch plans for the hotel could be made available within a few months.

Committee Reports

Police: No report

Roads: Joanne read the road report left by Road Master Mennig. Ditches were dug out and cleaned on Lower Waterford, the top of Glenview and Lower Glenn Avenue. Gideon Lane was re-graded with 15 tons of 2 RC. The upper part of Tourist was also re-graded with 15 tons of 2 RC and the ditches were re-cut. Spreaders were removed from the trucks and repainted and stored. Pothole patching is ongoing as necessary. Curbing was repaired on Wynnwood. 15 tons of hot asphalt was put down on Sugarbush.

Sewage Enforcement: No report. Walter Redel's wife, Barbara, recently passed away.

Code Enforcement: Tom Wicks reported that he received a call about a proposed subdivision on Fords Pond Road.

Planning: No report.

Recreation: Bill Wicks reported that meetings are the 3rd Thursday at 7pm at the Clarks Summit Borough Building.

Old Business:

Precision National Plating (PNP) Update: Malcolm reached out to EPA to get them in touch with Mr. Czarkowski. An exchange of emails took place with specific questions and concerns. The EPA is prepared to meet with the Supervisors at the end of May to present an update. They anticipate having the Google/GPS functionality showing wells and test results ready at that point. They are doing additional testing this week on the Czarkowski property and the area along Ackerly Road. They did not feel that it was an emergent situation although they do have a special team for emergencies that can come out within 7 days. EPA is the lead organization on this project but Bob Lewis of DEP sent a letter acknowledging that DEP will respond as needed. According to discussions Malcolm has had with Ann DiDonato and Robin Eisman, the test results are trending down on the majority of the wells. However, there were also some spikes as well. There is no dispute that the bedrock is contaminated. The fact that a waterline was run to residents allowed Precision to be taken off the superfund site list. Malcolm felt that EPA's response was very comprehensive, even if all the answers were not satisfactory. Precision must provide an updated work plan in June.

Paul Czarkowski asked if there was a timeline on how long the injections would be done. Malcolm said that injections would continue as long as necessary. He suggested that Paul sign agreements allowing EPA to do testing on his property and confer with his legal counsel on any concerns he has. Mr. Czarkowski has concerns about what he is allowed to do on his property based on the possibility of causing additional contamination. Malcolm told Paul that he will probably be getting a letter from EPA about this topic. Dave Jennings asked if the new Google/GPS system will also show historical data back to the 1970's.

There was additional discussion about the injection process and if after say 10 years it was not effective would EPA switch to another form of remediation. Malcolm stated that EPA feels the injections are effective or they wouldn't be continuing them. The topic of split samples was discussed and Malcolm stated that LFR samples are Quality Tested by DEP and EPA. The Township would not be allowed to enter Precision property to take samples. Paul Czarkowski asked about the 10 year agreement that was drawn up when his new well was put in (1991-92 time frame). Malcolm will follow up with EPA. Paul was also missing information for the old/new well split samples.

ACT 32 Tax Collection: Randy Campbell stated that the next meeting is scheduled for April.

Railroad Communications Tower: Malcolm stated that the RR has responded with the materials requested by Glenburn but that they still want to put a tower up on Waterford Road. There are questions about whether Federal Law supersedes the local ordinances. CP Rail has threatened to sue. Malcolm is working with the RR and will follow up with BCM Engineering to see if the Township can find an alternate site. There is also a question as to whether the RR could piggy back off of the Verizon Tower in South Abington Township.

New Business:

Pension Agreement: Bill Wicks motioned to approve the Pension Agreement and Resolution 2012-01. Dave Jennings 2nd. All in Favor. Mike Savitsky signed the agreement as Chairman.

Regional Police Study: Mike Savitsky motioned that the Township was not interested in participating in the DCED Regional Police Study. Bill Wicks 2nd. All in Favor.

Prevailing Wage Resolution: A resolution supporting an increase in the prevailing wage requirements was discussed. The supervisors did not motion on the Prevailing Wage resolution as solicitor MacGregor stated that the language was inflammatory.

Township Auditors Report: Randy Campbell presented the Supervisors with the annual audit report and said that everything was in order.

Announcements:

PEPS Art Show to benefit PAISBC: The opening reception was held on Sunday April 15th from 3-5 and was enjoyed by those attending. The show will be hanging through June.

Spring Cleanup: The annual spring cleanup will be held on May 4th and 5th. Flyers are available at the Township.

Public Input:

Jerry Phillips on Fig Ave Concerns: Jerry Phillips presented the supervisors with pictures of the Mirabelli Property. He asked what was being done about this blighted property since he initially brought it to the supervisors attention in 2010. Malcolm stated that the Township could have BIU inspect the property under the Township's Dangerous Structures Ordinance. Bill Wicks stated that items in the yard can also be considered a danger since BIU cannot enter the premises without the owner's permission. A determination can be made by just inspecting the outside of the property. Malcolm will also look into changing the zoning ordinance to allow such issues to be pursued with the magistrate as a criminal offense. Joanne will provide Tom Wicks with addresses for the properties in question.

Gerard Hetman LC Community Relations Coordinator: Gerard presented the supervisors with a packet of information on the various upcoming county events. These included a request for items by the LC Children and Youth Services, Armed Forces Day parade information, several arts events and workshops, The Great NEPA Cleanup information, Soccer, Gymnastics and Tennis Clinic information, Heritage Bike Tour information and River Fest Information. Gerard stated that the LC Commissioners would be having monthly meetings on the 2nd Monday of the month at 8:30 AM at the Clarks Summit Fire Dept. He will send out reminders. He also mentioned that there might be a tentative deal in the works on the LC Stadium and he asked if Glenburn had any County Bridges. The supervisors asked if the County was interested in purchasing Glenburn Pond.

Paul Czarkowski Issues: Paul asked if there was a section on disturbing the peace in the Zoning Ordinance and Tom Wicks told him that it was not in the Zoning Ordinance. He was told that the nuisance issues in the Zoning Ordinance do not address dog barking. Malcolm stated that if a problem were severe enough the police could be called in. Paul also asked about a form for a "Right to Know" request and was told he could get one at the Township. Paul also wanted to know if residents were allowed to tape and/or video Township Meetings. Tom Wicks stated that Scott Township had to allow it. Glenburn has not had any previous requests to tape meetings.

Correspondence:

Correspondence was reviewed following Executive Session. **Bill Wicks motioned to adjourn the meeting at 9:40pm and Mike Savitsky 2nd. All in Favor.**

Respectfully Submitted,

Joanne Benson, Secretary/Treasurer