

**RICE TOWNSHIP BOARD OF SUPERVISORS
OCTOBER 6, 2015**

The duly advertised regular meeting of the Rice Township Board of Supervisors was held on Tuesday, October 6, 2015, at the Rice Township Municipal Building, 3000 Church Road, Mountaintop. Copies of the Agenda and Treasurer Reports were available to the public. The meeting was called to order by Chair Marcia Thomas at 7:00 p.m. It is announced that the meeting will be recorded for preparing the minutes. Interior cameras are also recording the video.

ROLL CALL: Stella - Absent
Pipech - Here
Thomas - Here

Also present were: Please see attached sign in sheet.

Solicitor Dean announced that he needs to leave the meeting at 7:30 pm, and introduced his associate, Chad Sweigart, who will sit in for him should the meeting run longer than 30 minutes.

Received Treasurer's Report: In the general fund, total income for September was \$143,298.49, expenses totaled \$67,018.29. In the State Aid fund, expenses totaled \$1,911.50. There was no activity in the Recreation fund. Bills presented for payment total \$30,934.95. Balances as of September 30th:

General Checking: \$187,034.16	General Money Market: \$150,388.72
Liquid Fuels Checking: \$44,558.43	Liquid Fuels Money Market: \$50,068.59
Recreation Checking: \$3,227.75	Recreation Checking: \$10,013.83

Total Cash on Hand: \$445,291.48

MOTION by Thomas, second by Pipech, to accept the Treasurer's Report as presented, and all bills to be paid.

ROLL CALL: Stella - Absent Pipech - Yes Thomas - Yes

MOTION CARRIED.

ENGINEER'S REPORT:

The 2015 Pave Project has been completed and the first payment request has been reviewed; PennEastern recommends payment in the amount of \$112,360.42. A second payment request has been received, for \$5,913.71; PennEastern recommends holding onto this payment as a retention, for lack of payment bond. The payment bond was received today and was given to the Township Secretary. Engineer Pasonick recommends approving payment in the November meeting.

Repairs to Henry Drive have been completed; PennEastern is recommending payment in the amount of \$7,320.00.

An email was received from Kirk Kreider, Chief of the Construction, Inspection and Monitoring Section of the Division of Dam Safety (DEP), stating that catastrophic failure does not appear to be imminent and there are no significant public safety concerns. They do not recommend installing a coffer dam; DEP would like to see the lake drain naturally. On September 18th, the Township Engineer was notified by DEP that Rice Township's Ice Lakes Dam did not qualify for an emergency permit. Mr. Kreider suggested submitting a Plan of Investigation, which PennEastern is currently working on. Engineer Pasonick stated that the lake can be manually pumped

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before the winter, but it is his recommendation as well to let the lake drain naturally. He also recommended performing all repairs to the dam in June/July 2016 due to weather concerns.

The Township received a letter from Polonia Estates, requesting that the bond for Phase III be released. Engineer Pasonick recapped bond balances since 2005 and recommended a site review before any decision is made by the Board. Marcia Thomas stated that she has received 3 requests from the developer to expedite this issue. Engineer Pasonick does not recommend releasing the bond until a site review has been completed. Solicitor Dean asked if Engineer Pasonick would have the site review results and recommendation ready for the November meeting--Pasonick confirmed. Solicitor Dean advised that the developer should be contacted and be made aware that a response will be given during the November meeting.

Marty Wentz asked why the Township couldn't drain the lake down and fix the pipe this winter. Engineer Pasonick explained that before anything can be done, DEP must give their approval. He stated that winter weather is an issue, especially since the last few winters were so severe. Mr. Wentz asked if there is a plan in place to repair the pipe. Engineer Pasonick stated that until the lake drains down and the opening is visible, the Township will not be able to create an accurate plan of action. There may be other repairs should be made, which are not currently visible with the water at its current level. Mr. Wentz asked how long it would take to pump the lake manually. Pasonick stated that it all depended on the size of the pipe; he also stated that there is a cost associated with manually pumping the lake.

Marcia Thomas requested that it be entered into the record that the Township Engineer was directed to request an emergency permit from DEP, and that request was denied. Engineer Pasonick reiterated that the emergency permit was denied, and a Plan of Investigation was recommended.

Colleen Nelson asked if the plan has already been submitted. Pasonick stated that his office is currently working on the Plan of Investigation request; that plan should be submitted within the next week or so. Ms. Nelson asked if this was brought up at the last meeting. Engineer Pasonick stated that at the September meeting, an Emergency Action Plan was discussed, as well as plans to locate blueprints. Marcia Thomas explained that those steps were taken, as well as a request for an emergency permit, which was denied.

Engineer Pasonick restated that DEP would like to see the lake drain naturally. They do not recommend utilizing a coffer dam. Pasonick stated that the presence of riprap could cause damage if there is limited visibility. Bob Pipech stated that in order to manually pump the lake, there would need to be a discharge location.

Josh Zuder asked how low the lake would need to drain in order to safely assess the situation. Engineer Pasonick stated that his last inspection showed a drop of 7 inches in the last month, that's with the recent rainfall. Spillway Elevation is down 23 inches. Mike Grochowski stated that the rain raised the lake 6 inches. Marcia Thomas agreed, stating that there is water up against the floating dock, where there was none before the rainfall.

Chris Buzas asked if the Engineer is sure we will be able to drain the lake down naturally to where it needs to be. Pasonick replied that the water levels will be monitored over the next month; if it isn't draining fast enough, the Township may need to pump it manually. He explained that it's not as simple as just setting up a pump. The plan submitted to DEP must include pump specifics such as hose size, flow rates, etc. DEP would like to see the dam altered to include a valve so that the lake may be drained in the future.

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Mark Manosky asked why July is some kind of magic number for these kinds of fixes. The lake is draining, the natural habitat has been disturbed, how do we know the lake is going to drain to where it needs to be? He stated that the lake is an asset to the Township and if nothing is done, it will be ruined. Solicitor Dean stated that whether we like what the regulators have to say or not, we still have to abide by their rules. Marcia Thomas stated that Engineer Pasonick was able to acquire designs; the pipe is located 6 feet down vertically on the spillway.

Bob Pipech stated that he frequently checks on the dam. He submitted his ideas to DEP, all of which were rejected.

Mike Grochowski verified that the Engineer received plans for the dam via email. He stated that he's seeing a drop of 4 inches per week in the lake, although it rose 6 inches after the last rainfall. Marcia Thomas stated that we don't have any other option besides following the instructions from the state. DEP regulates the water and the dam, so the Township cannot decide to plug the pipe in the middle of the night.

A resident asked who is above DEP. Marcia Thomas suggested State Legislators. Engineer Pasonick stated that DEP answers to the EPA if they are breaking Federal regulations.

Mike Grochowski asked if the Board has considered looking into grant funding to fix the problem. Marcia Thomas stated that she and Bob Pipech have discussed this option. Bob Pipech stated that he spoke with Senator Baker, who will assist the Township in applying for Grant funding.

Mike Freiman asked if DEP is mandating the Township to wait for the lake to naturally drain. Engineer Pasonick stated that it was their suggestion, not a mandate. Mr. Freiman stated that now is the time for the Township to develop a plan. He stated that people's property values are going down because of this issue, and that hurts the Township as well as the residents. Solicitor Dean stated that Engineer Pasonick will have a plan ready within the next couple of weeks.

Bob Pipech assured the residents that there is no known breach in the dam. There is a pipe going through the spillway that began draining the upper lake into the lower lake in early August.

Mr. Freiman asked if it would be possible to get an underwater camera to investigate the broken pipe. Marcia Thomas stated that we would contact the sewer authority to borrow their camera. She stated that we should try anything we can think of as long as it is legal.

Mr. Buzas asked what the pipe was originally intended to do. Bob Pipech stated that it was a function of the ice house for cut and flow. Solicitor Dean stated that like it or not, the Township cannot do anything to the dam without DEP approval. Marcia Thomas added that the Board was told in no certain terms that the dam must be restored with a valve.

A resident asked to have a representative from DEP at the next meeting to answer resident questions. Marcia Thomas stated that we would make the request.

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SOLICITOR'S REPORT:

The Bureau of Elections voted to deny the request made by Rice Township to relocate the polling place to St. Martin's across the street. Solicitor Dean contacted the Bureau of Elections and was told that it was denied based on the fact that a fee would need to be paid to the church. The Bureau of Elections also stated that this is a cost saving measure that will be taking place throughout the entire County; polling places will be moved back to municipal buildings. As a municipality, we are obligated to provide a polling place in our building free of charge. Voting will be held in the municipal building on November 3rd; the regular monthly meeting will be rescheduled. Janeann Lokken stated that the church wasn't charging a fee, the Bureau of Elections was obligated to pay \$100 for non-municipal buildings. Marcia Thomas stated that the Senior Warden of the church was willing to waive the fee.

She explained that she has it on good authority that complaints were made to the Bureau of Elections regarding her involvement in relocating the Rice Township polling place. Marcia stated that she takes great exception to such accusations. The Rice Township Election Board asked the Board of Supervisors several times over the past couple of years to relocate the polling place. This request was made at their request. Marcia Thomas asked for suggestions regarding locations, and St. Martin's was suggested. The community room would be great in terms of size and proximity to the current polling place. The Police Department was consulted and a positive recommendation was given. St. Martin's was willing to waive the fee; several community organizations utilize the facility free of charge and without publicity. Marcia stated that if anyone has it in their mind that she was attempting to enrich the church, she would like to disabuse you of that opinion. If anything, it is an inconvenience to the church that they are willing to undertake for the betterment of the Township. They have been very understanding over the years when parking spills over to their lot; not a single complaint has ever been made. She stated that moving the polling place would have provided better, safer facilities to the community. Marcia also added that ever since Wright Township was mandated to provide a second voting location (due to the number of registrations in their community), they have been voting in the Knights of Columbus, which has a religious connotation. Marcia Thomas stated that she is greatly offended on a personal level, and hopes this puts an end to it. If the polling place is able to relocate, there will be no fees requested by the church. Bob Pipech added that we will need to submit our request for relocation earlier in the year, as 2016 is a Presidential election. Marcia Thomas pointed out that a high volume election such as that may create a safety issue; she also stated that the Police Department is unable to perform their normal duties on Election Day, the Township Secretary is unable to work that day, the Township basically shuts down. It would be fine if it were safe, which it is not.

Solicitor Dean turned the meeting over to his associate, Chad Sweigart.

PUBLIC COMMENT:

Janeann Lokken stated that if the Township could pay for the Gypsy Moth spraying, it would eliminate a lot of confusion among the residents. She asked if the Township could increase the millage one year to pay for the cost of the spraying. Marcia Thomas stated that it would be helpful if County would return our calls. Secretary Stier stated that she received a return call just prior to the meeting. Engineer Keri Skvarla informed Stier that she just finished evaluating all properties that submitted an application for spraying. The egg mass data will be sent to DCNR to be evaluated, and Ms. Skvarla will be notified as to which properties qualify for spraying. At

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Received the Police Report for September 2015: 286 Incidents, 118 Complaints, 5 Automobile Accidents, 30 Assist Calls, 12 Traffic Citations, 3 Non-Traffic Citations (Disorderly Conduct), 1 Criminal Arrest on a Juvenile (Act 64 Violations), Served 1 302 Warrant.

MOTION by Thomas, second by Pipech, to accept the Police Report as presented.

ROLL CALL: Stella - Absent Pipech - Yes Thomas - Yes

MOTION CARRIED.

Received the Zoning Officer Report: 5 permits issued--Addition/Carport, Kite Festival Signs, Driveway Repave, New Home, Pole Barn. Total fees--\$525.00.

MOTION by Thomas, second by Pipech, to accept the Zoning Report as presented.

ROLL CALL: Stella - Absent Pipech - Yes Thomas - Yes

MOTION CARRIED.

MOTION by Thomas, second by Pipech, to ratify a payment of \$100 to the PA State Association of Boroughs for the Zoning Officer to attend a Zoning Course on Saturdays in November.

ROLL CALL: Stella - Absent Pipech - Yes Thomas - Yes

MOTION CARRIED.

The Planning Commission did not meet in the month of September.

Wright Township Volunteer Fire Company Report and Fire Police Incident Recap are available to the public. Gregg Gerko reported that the Wright Township Fire Department responded to 23 incidents in the month of September. The incidents ranged from 2 structural fires to multiple motor vehicle accidents. October is Fire Safety Month, so the department will be visiting schools in the area. At the end of the month, the department will be out on Halloween Safety Patrol in Rice and Wright Townships, handing out glow necklaces. 6,000 necklaces were handed out last year, so this year the Fire Department is prepared with about 10,000 glow necklaces.

Bob Pipech explained that he and the Township Secretary met with Representative Mullery and his assistant regarding the Gaming Grant. Both Representative Mullery and Senator Baker will assist Rice Township in getting funding in 2016.

MOTION by Pipech, second by Thomas, to approve a Resolution (Resolution 2015-3) for the Local Share Account (Gaming) Grant, the application fees, and appoint Robert Pipech to execute all documents. The grant is for a 2015 Case Backhoe (\$112,752.00) and road repairs to Lakeview Drive and Henry Drive (\$222,135.00).

ROLL CALL: Stella - Absent Pipech - Yes Thomas - Yes

MOTION CARRIED.

Notification was received from the PA Department of Transportation that Rice Township's Estimated Allocation of Municipal Liquid Fuels for 2016 will be \$117,836.60.

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As recommended by the Township Engineer:

MOTION by Thomas, second by Pipech, to pay \$112,360.49 to American Asphalt for completion of the Rice Township 2015 Pave Project.

ROLL CALL: Stella - Absent Pipech - Yes Thomas - Yes

MOTION CARRIED.

MOTION by Thomas, second by Pipech, to ratify a quote from American Asphalt in the amount of \$7,320.00 for the repair to portions of Henry Drive.

ROLL CALL: Stella - Absent Pipech - Yes Thomas - Yes

MOTION CARRIED.

The Commonwealth's 2015 state Fire Relief allocation in the amount of \$22,689.83 was received September 30, 2015. Funds are to be distributed to Wright Township Volunteer Association in October. Form 706-B will be completed and returned to the Department of the Auditor General.

Commonwealth Uniform and Non-Uniform retirement funds in the amount of \$54,891.68 were received. As directed by the PA Auditor General, a check in the amount of \$59,326.02 will be directed to Principal Financial Group for deposit into Rice Township Police Pension Fund #4-50708; and \$14,679.00 will be distributed to PMRS for Rice Township Plan (40-168-5N). This satisfies the Minimum Municipal Obligation for 2015.

MOTION by Thomas, second by Pipech, to acknowledge the distributions.

ROLL CALL: Stella - Absent Pipech- Yes Thomas- Yes

MOTION CARRIED.

The Pension Plans' Minimum Municipal Obligation Reports were completed and filed by September 30, 2015. Consultant R.J. Hall Associates reported that the township police pension fund has recovered to a Category 1 Distressed Plan. Reporting is no longer required by the state.

The consultant recommends the township sign a Defined Benefit Plan and diversify the Police Pension portfolio with a Global Market account. Based on his advice:

MOTION by Thomas, second by Pipech, to execute the Defined Benefit Plan document and to allow Principal Financial to utilize a Global Market account.

ROLL CALL: Stella - Absent Pipech - Yes Thomas - Yes

MOTION CARRIED.

MOTION by Thomas, second by Pipech, to pass Ordinance 2015-2, redefining the Police Pension Benefit Plan.

ROLL CALL: Stella - Absent Pipech - Yes Thomas - Yes

MOTION CARRIED.

Preparation of the 2016 Budget will begin this month and the first reading of the proposed budget will be at the November meeting.

