

**RICE TOWNSHIP BOARD OF SUPERVISORS  
NOVEMBER 4, 2015**

The duly advertised regular meeting of the Rice Township Board of Supervisors was held on Wednesday, November 4, 2015, at the Rice Township Municipal Building, 3000 Church Road, Mountaintop. Copies of the Agenda and Treasurer Reports were available to the public. This meeting was rescheduled due to the election held at the Township building. Chair Marcia Thomas called the meeting to order 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 - Here  
Pipech - Absent  
Thomas - Here

Also present were: Please see attached sign in sheet.

Marcia Thomas stated that she would like to acknowledge that Supervisor Pipech's son passed away this weekend and our thoughts are with him.

Received Treasurer's Report: General fund total income was \$54,771.21 and expenses totaled \$218,138.72. The Liquid Fuels account had expenses of \$92,127.02. There was no activity on the Recreation Fund. Total bills presented for payment today total \$35,119.77. Balances as of October 31st:

General Checking: \$86,248.87	General Money Market: \$125,391.22
Liquid Fuels Checking: \$90,994.52	Liquid Fuels Money Market: \$2,500.20
Recreation Checking: \$3,227.75	Recreation Money Market: \$10,014.00

Total Cash on Hand: \$318,376.56

Secretary Stier added that there are 3 outstanding checks that will considerably alter the cash on hand for the month: \$28,685.97 from the General Checking and \$90,994.52 from the Liquid Fuels Checking, making the actual Cash on Hand to \$198,695.87.

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

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

**MOTION CARRIED.**

**PUBLIC COMMENT:**

Mark Manosky spoke regarding the Gypsy Moth Spraying Program through Luzerne County. He received a letter from the County and read it aloud: "Your application for treatment has been evaluated and you have been approved for the 2016 spray season. The cost per acre for treatment is \$55. (Mr. Manosky stated that the price is very fair.) The total acreage for your development is 122 acres. (He explained that's 40 lots at about 3 acres each, which is about right.) The total cost is \$6,710.00. Your cancelled check will serve as your receipt. Returned checks are subject to a \$25 fee. It is extremely important that you meet the November 15, 2015 date or Wilderness Estates will not be sprayed." Mr. Manosky stated that this letter is from the County Engineering Office. He stated that a lot of things about this do not make sense. The letter doesn't tell you where to send the check. The letter is from the County Engineering Office but the program is run by the State; he doesn't know

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how the money will get to the State. He acknowledged that this isn't a Township problem, but it is a problem. He will not send the County a \$6,000 check.

Marcia Thomas asked if that amount is for the whole development and if Mr. Manosky is being charged for the whole cost. He confirmed. He does not understand why each property owner in Wilderness Estates did not get a bill. He also stated that the program is starting out poorly right off the bat. Mr. Manosky stated that he wanted to make the Solicitor and Engineer aware of the situation; he will be making phone calls about the issue tomorrow. He referred to a newspaper article in the Times Leader which shows that Rice Township is not the only area with an issue with the program. Mr. Manosky would like to go on the record as saying that the program will not work as it is set up now. Marcia Thomas added that she did not even get a letter.

Marty Wentz stated that he has 2.65 acres, so at \$55 per acre, it should be less than \$150. The bill Mr. Wentz received was for \$531. Another resident stated that she received a bill for \$261. She stated that there is nothing saying that her neighbors are going to pay, and that her costs won't go up to \$1,000 in that event. She stated that a friend of hers, who lives on a dead-end road, received a bill for \$590. She added that she believes the County should pay for the spraying, because next year no one knows what our costs will be. She also asked how many seniors can afford the spraying. The resident asked if the Township can help in some way, or if they can do their own spraying. She stated that she could not use her deck this year without wearing a hat.

Miller Stella stated that the County should pay for everything. He stated that this is a County-wide problem and money should have been appropriated to the County from the State to spray for Gypsy Moths.

The resident asked where her tax money is going. She stated that she's not politically involved in anything, but when she was billed, she was willing to pay the \$102. Then to get hit with \$260, she stated that next year could be \$500. She stated that she cannot afford to take down all of her trees. She will not pay the County, she will take down the tree closest to her deck.

Marcia Thomas asked Secretary Stier for her thoughts on the situation. Stier stated that all of the newest information she has was obtained from the Times Leader article. It seems that County is not taking responsibility for the high costs; County is stating that they are working as intermediaries between the residents and the State.

Marcia Thomas stated that she spoke with Senator Lisa Baker, who informed Marcia that the appropriation for Luzerne County is in this year's budget (80%). They paid 80% of Lackawanna County in 2015. The State has approved the appropriation for Luzerne County but the County did not act. Other municipalities have taken it upon themselves to start organizing a contingency plan for residents, not necessarily paying for the spraying but acting as an intermediary between the residents and a subcontractor. Marcia Thomas stated that she did a calculation, at resident Karl Kaminski's request, of what it would cost Rice Township to spray the total acreage. The total came to over \$400,000. We don't have the money to do it, and we shouldn't be paying for it. Marcia encouraged everyone to contact their State Legislators and tell them that County is completely mismanaging the situation. It is inconsistent between what they tell you your bill is going to be versus what you are actually billed. If we do not get any satisfaction on a State or County level by January, we will have to look into a contingency plan, acting as a conduit between residents and a subcontractor. Rice Township is a member of the Mountain Top Area COG, and perhaps the neighboring municipalities will join together to get a volume

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discount. Marcia stated that she believes 23 contiguous acres are required before someone would come in and spray.

A resident stated that it is strange that she received her bill on Saturday and the money is due on the 15th. Marcia added that it is strange, since no address was provided; she encouraged the resident to contact the County. The resident stated that she did contact the County and received no response. Marcia said that is consistent with what other people are encountering with this issue.

Janeann Lokken asked for clarification on information regarding the money appropriated to the County from the State. Marcia Thomas explained that the County doesn't have the money in their hands right now, but it was appropriated via the budget; Marcia added that she does not know what the County plans to do regarding this issue. Mrs. Lokken asked why the residents have to pay so much if money was appropriated for Gypsy Moth spraying--Marcia stated she did not know, and doubts that anyone in the room knows either. She stated that it's a question for County Council.

Karl Kaminski stated that Gypsy Moths are not an individual problem, it is a State-wide environmental problem, and the residents shouldn't be involved in it at all. Mr. Kaminski congratulated the candidates who won the election, and thanked everyone who ran. He asked if there were benefits to being a Supervisor. Miller Stella stated that you get to serve your Township; it is a thankless job. It is something that you want to do from your heart, and there aren't many rewards beyond helping your community move forward. Mr. Kaminski asked if there was a stipend involved. Marcia Thomas stated that it's about \$1800 per year. Mr. Kaminski asked if there is gas mileage involved. Marcia stated that the Second Class Township Code says Supervisors have a right to reasonable compensation for any expenditures incurred.

Mr. Kaminski asked about the request for a new Backhoe through the Local Share Account Grant. He asked about the condition of the current backhoe and why it would need to be replaced. Marcia Thomas stated that the backhoe was purchased in 1993 and had a lot of repairs this year. She explained that those funds have increased--Wright Township received almost \$800,000 to add on to their building. If you don't apply for it, you're throwing money out the window.

Marty Wentz stated that 2 days of rain has made the lake fill up again, after last month's meeting where the general consensus was to let the lake drain naturally. He asked if the Engineer still thinks letting the lake drain naturally is possible. Marcia Thomas explained that the next step is to look into pumping the lake. She stated that she expects difficulties with pumping as we are heading into the rainy season. Mr. Wentz asked if, in hindsight, it would have been a good idea to look into pumping 2 months ago when everyone was asking for immediate action.

Michele Millington asked if there was an Engineer's report. Marcia stated that there was no report available. She stated that the Engineer has been doing a lot of research and working with the State. Ms. Millington stated that she understands there was an estimate; Marcia explained that she did not have those details in front of her, but she did receive a ball-park estimate from the Engineer. She stated that at this point, it is not the Engineer's recommendation to do the repairs now as we are going into the rainy season and will be going into winter. Ms. Millington asked if the estimate will be approved or if the Board can approve the estimate now. Marcia Thomas stated that even if the Board voted to move forward with seeking ads right now, the bids would probably not be

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awarded until January. She explained that the Engineer is thoroughly researching the situation and that he did not feel it responsible to begin the project at this time.

Marty Wentz asked about a third option, a coffer dam, which was seemingly dismissed without much study. He said that it's starting to look like the best and cheapest option, despite the presence of rip-rap.

Janeann Lokken asked if there was a recommendation from DEP that said the Township had to let the lake drain naturally; she stated that you can't go against DEP. Marcia Thomas added that DEP would not give Rice Township an emergency permit. Mike Freiman stated that the recommendation was not mandated.

Mr. Freiman stated that the October Minutes reflect a statement from the Engineer, which estimated a couple of weeks for a Plan of Investigation: it has been a month and the Engineer isn't present at the meeting. The residents requested to have a representative from DEP present at the meeting: there isn't one. The residents asked about a camera to investigate the pipe: there is no report on that. Mr. Freiman stated that for the 3rd month, the Township has done nothing. An Engineer is being paid for nothing, and Mr. Freiman would like to go on record asking, "Why are we paying this person when we have a critical problem with the Ice Lakes Development and there is no action?" He said that it doesn't matter if it's a rainy season, because after winter is another rainy season. The project will continue being put on hold, and it's not right.

Miller Stella asked if there have been any reports from Engineer Pasonick. Marcia Thomas stated that she received a phone call from him on Monday; he stated that he wouldn't be at the meeting, but he has looked into solutions and has provided the Board with a rough estimate of pumping costs. Marcia stated that the Engineer can't say exactly what the cost of repairs is going to be, which is a problem putting the project out for bid. Miller Stella asked if a price estimate was drafted for a coffer dam. Marcia is not aware of one, and she understands that he is following DEP recommendations. She stated that she does not have specs in front of her that could be approved at this meeting. She would like to have more firm details on the project before the Board votes to put it out for bid.

Mr. Freiman stated that the Engineer should have estimates for multiple plans of action; instead, we have no plan. Marcia Thomas stated that creating a plan for pumping a lake is more difficult than creating a pave plan, where the Engineer knows the amount of materials needed.

Marty Wentz stated that the problem is that none of this is documented. There is nothing to hand out saying the Engineer was paid, this is his plan, this is his recommendation; we talked to DEP, this is (in writing) what DEP said we can and can't do. What is being reported is that a phone call was made and the Engineer is not coming to the meeting. These are not action items. Mr. Wentz stated that someone took an action item at the last meeting to talk to the Sewer Authority about getting a camera to investigate the problem, but nobody put a name onto that. Every month, the residents come to the meeting and we all talk about things, and say things are good ideas, but nobody takes an action item and nothing gets done.

Marcia Thomas stated that she would call the Engineer tomorrow and have him hammer out exact details, and anything received from the Engineer will be posted on the Township website so that everyone can see it before the next meeting. There will be a Motion on the Agenda, based on what we get from the Engineer, as to where the Township goes from here. Miller Stella recommended coming up with Option A, Option B, and Option C with a dollar amount for each. Marcia Thomas responded that the Engineer cannot predict the weather. Mr.

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Freiman stated that it isn't about predicting the weather, it's about plan of action (coffer dam, manual pumping, etc.). He stated that the Engineer could give a good faith, ball-park estimate. Mr. Freiman reiterated that this is extremely important from a taxpayer stand-point. He would like to go on record requesting a representative from DEP attend a meeting to speak with the residents.

Michele Millington stated that she is aware that the estimate is \$25,000 to pump the lake and \$25,000 to fix the pipe. Marcia Thomas disagreed, stating that those figures are not what she understands from the Engineer. Ms. Millington asked if the Board received any numbers. Marcia stated that ball-park numbers were given. Ms. Millington asked what those numbers were; Marcia stated that she did not remember the exact numbers. She explained that she did not want to make up numbers and provide misinformation.

Marty Wentz stated that the citizens are requesting that somebody from the Township in authority contact DEP and arrange for a time when they can meet with the citizens of Rice Township to answer questions directly. He asked who was going to take that action item and put it in the minutes to do it, so next month when it's not done someone can be blamed. Mr. Freiman stated that last month's Minutes state "We are going to..." Mr. Wentz stated that when nobody takes an action item, nothing gets done. Miller Stella clarified the request to have DEP come to a public meeting. Mr. Wentz stated, "We, the citizens of Rice Township, are requesting that you (the governing body of the Township) get in touch with DEP, and get a representative to here at a certain time in this building."

Karl Kaminski suggested deeding the Lake to the homeowners living on it. Marcia Thomas stated that it was their option at the beginning when the lots were first put up for sale. The developer offered to create a Homeowners Association for them, underwriting all costs of the legal matters it would take to create that association, to convey the deeds to them, and they would have to maintain and insure it themselves. From what the developer told Marcia, it was denied. Marty Wentz stated that the lake was first offered to the Township and the Township accepted it, so there was no reason to offer it to the homeowners. When it was deeded over to the Township, there were only about 5 lots sold. Marcia Thomas stated that there may be Planning Commission minutes around that would give everyone a clearer picture regarding what happened with this matter.

**MOTION** by Stella, second by Thomas, to have the Township Secretary write a letter to DEP requesting a timeframe when they can meet with the Ice Lakes residents and be able to answer any questions that residents may have regarding this issue.

ROLL CALL: Stella - Yes

Pipech - Absent

Thomas - Yes

**MOTION CARRIED.**

Resident Stan Shaffer added that the water is an asset to the County and spoke about the fracking industry. He stated that the website has not been updated with meeting minutes since May--he stated that it is very nice to know what is going on since he can't make it to all of the meetings. He also stated that he came to the building 3 Fridays in a row around 4pm (one day at 3:30pm) to get an Ordinance book. Every time the door was locked and there was no one here. He stated that he left his name and number on the answering machine all three times and requested a call-back. He was looking for correct business hours. No call-back was received and he is still unsure of business hours. Mr. Shaffer requested that the Township Ordinances be available on a downloadable link on the website. Marcia Thomas stated that they are on the website.





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**RICE TOWNSHIP  
PROPOSED 2016 BUDGET**

SUMMARY OF ESTIMATED RECEIPTS:

RECEIPTS FROM TAXES	\$825,000.00
LIQUID FUELS RECEIPTS	\$117,836.60
LICENSES AND PERMITS (CABLE TV)	\$14,000.00
RECREATION FUNDS	\$5,000.00
INTEREST, RENTS AND ROYALTIES	\$10,000.00
CONTRACT POLICE SERVICES	\$33,000.00
FEES, UCC INSPECTIONS, RECYCLABLES	\$15,000.00
MISC. RECEIPTS	\$163.40
<b>TOTAL ESTIMATED RECEIPTS:</b>	<b>\$1,020,000.00</b>

SUMMARY OF ESTIMATED EXPENDITURES:

ADMINISTRATION	\$57,000.00
TAX COLLECTION	\$17,000.00
LEGAL SERVICES	\$12,500.00
GOVERNMENT BUILDINGS	\$30,000.00
POLICE DEPARTMENT	\$320,000.00
FIRE DEPARTMENT	\$34,543.65
ZONING AND PLANNING	\$11,000.00
RECYCLING AND SEWAGE ENFORCEMENT	\$12,000.00
PUBLIC WORKS/GENERAL SERVICES	\$135,000.00
SNOW AND ICE REMOVAL (SUPPLIES)	\$40,000.00
GENERAL HIGHWAY SERVICE	\$112,000.00
PARKS AND PLAYGROUNDS	\$11,000.00
DEBT INTEREST (TRUCK)	\$1,100.00
POLICE PENSION	\$45,858.25
NON-UNIFORM PENSION	\$15,525.74
WORKERS COMP INSURANCE	\$32,000.00
PROPERTY AND BONDING INSURANCE	\$60,000.00
HEALTH INSURANCE	\$73,000.00
MISC. EXPENDITURES	\$472.36
<b>TOTAL ESTIMATED EXPENDITURES:</b>	<b>\$1,020,000.00</b>

Miller Stella asked if the Township is still paying \$1,000 per month to the Fire Department for use of the bays. Marcia Thomas confirmed. He asked what heading under the budget that item would be included under. Secretary Stier stated that it is included under Government Buildings as it is considered a rent. Janeann Lokken added that the money goes to the Receiver, not the fire company. Marcia Thomas stated that we are paying Wright Township to keep a truck in our garage, so the equipment must be stored elsewhere.

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**MOTION** by Thomas, second by Stella, to accept the proposed budget for the year 2016.

ROLL CALL: Stella - Yes

Pipech - Absent

Thomas - Yes

**MOTION CARRIED.**

**SOLICITOR'S REPORT:**

Attorney Sweigart reported that last month, there was discussion about the Township receiving a letter from Polonia Estates to release a bond. The Solicitor issued a reply letter stating that the Township will not release the bond.

The Township Leaf Collection program will end Friday, November 13th. Leaves ONLY must be placed in CLEAR plastic bags. Leaves may be brought to the Mountain Top COG after the pickup period ends, and a COG permit is required. The township Secretary issues COG permits at a cost of \$10. Marcia Thomas stated that the COG will accept Christmas Trees free of charge.

The Mountain Top COG will be closed after November 28th. Bob Duffy reported that 710 bags have been picked up so far this year.

With the snow season coming, the Police Department asks that residents remove all portable basketball hoops and refrain from parking on township roads or rights-of-way during storms for safe snow removal.

On this Veterans Day, November 11, 2015, the Board recognizes all Veterans of the Township for their service to our country and special remembrance to those who gave their lives for our country.

Marcia Thomas thanked everyone for coming out to vote yesterday. She stated that there were still tripping hazards, which continues to be an issue. She congratulated the winners and all who participated.

**PUBLIC COMMENT:**

Miller Stella thanked the residents for the opportunity to represent them for the last 6 years. He announced that tonight is his last meeting, as he will be out of town for December's meeting. He stated that it has been a privilege to serve with the police and the road department. Marcia Thomas thanked him for his service.

Miller added that a violation was filed against him with the Ethics Commission over his cell phone usage. He stated that he received a letter the other day, stating that the Ethics Commission found him not guilty.

**MOTION** by Stella, second by Thomas, to adjourn. Meeting adjourned at 7:45 p.m.

Respectfully submitted,  
Alicia E. Stier  
Secretary