

PINE CREEK TOWNSHIP  
MEETING MINUTES OF SEPTEMBER 7, 2022

The Pine Creek Township Board of Supervisors held their regular monthly meeting on September 7, 2022, at 7:00 p.m., with Supervisors John M. Reese, Dean L. Edwards, Jr., and Kenneth J. Packard present.

Also present: Brandon Coleman and James Hess of the Woolrich Fire Company, Rhonda Davis, Benjamin Sweeney, Donald Lomison, Earl Nick, Tim Kline, Carol Rhinehart, Deb Reese, Michele Whitney, Dennis Smith, Scott Weidler, John and Suzanne Manuel, Robyn Orndorf, Walt Bierly, Sam Casilio, Paul Moats, Clarence Lannen, John Schuller, Travis Bowers, Rich Taylor, David Waltz, Ben Eck, Carl Marta, Keith Carson, Rich Camerer, Kyle Confer, Matt Stover, Kevin Ferrara, EMC, Chief David Winkleman, and Thom Rosamilia, Esquire

**Meeting Minutes**

Chairman Reese asked for questions or comments on the minutes from the August 3, 2022, monthly meeting. There being none, Supervisor Edwards made a motion to approve the minutes as presented; seconded by Supervisor Packard, MCU.

**Financial Report & Invoices**

Chairman Reese asked for questions or comments on the invoices and financial report. There being none, Supervisor Edwards made a motion to approve the invoices and financial report as submitted; seconded by Chairman Reese, MCU.

Secretary/Treasurer Macklem reported that the Certificate of Deposit at Jersey Shore State Bank opened in 2014 matured on September 3, 2022 and requested approval to close out the Certificate of Deposit and deposit those funds into the general fund checking account.

Chairman Reese made a motion to approve closing out the Jersey Shore State Bank Certificate of Deposit and depositing the funds into the general fund checking account; seconded by Supervisor Edwards, MCU.

**Public Participation**

Most of the residents in attendance asked questions and commented on the proposed noise ordinance, including Walt Bierly, Robyn Orndorf, Michele Whitney, John Manuel, Paul Moats, Rhonda Davis, Ben Sweeley, Don Lomison, Earl Nick, Tim Kline, Deb Reese, Scott Weidler, Don Lomison, Dennis Smith and Rich Taylor.

Some of the questions and comments made during the discussion included:

- Who suggested the proposed ordinance and why it was being proposed;
- Enforcement;
- Decibel levels, use of a decibel meter and complex calculations;
- No need for the ordinance, issue is between neighbors;
- Constitutional rights;
- Ordinance takes away rights of property owners

During the discussion, Supervisor Packard said the current noise ordinance is unenforceable. He said he has lived in his house for 20 years and a neighbor moved in and started shooting hundreds of rounds of semi-automatic high-powered ammo and it's deafening. He said you would have to have hearing protection to sit in our yard and the shooting occurred on weekdays, weekends, and holidays.

Resident John Manuel, neighboring property owner, claimed that he has not shot a gun on his property for one and a half years to be considerate to the Packard's and asked what more he could do to appease them.

Resident Scott Weidler stated he has had a rifle range on his property for 30 years and never had a complaint about noise. He has spoken to his neighbors to make sure that they don't have any issues about his shooting range.

It was the opinion of most residents that the issue is between neighbors and if there is a problem with noise that can't be resolved then the police should be contacted.

Solicitor Rosamilia explained that the purpose of the discussion was for the Board to allow the public to comment on the proposed ordinance and whether to proceed with adoption of the ordinance.

Clarence Lannen 313 Henry Street complained about vehicles blocking driveways in South Avis on days when The New Love Center distributes food. He contacted the Center about the matter and had no problems the last time they had a distribution day.

Carol Rhinehart requested that the Supervisors follow up with The New Love Center to ensure that the new traffic pattern and controls in effect would continue. Chairman Reese agreed to reach out to The New Love Center to discuss the issue.

Clarence Lannen also asked if the township could mow near the swamp area in South Avis as they had in the past.

Chairman Reese explained that the Township cannot mow private property and previously had an agreement with the property owner. However, last year DEP stepped in after a complaint was filed and stopped the Township because the area is considered a wetlands.

### **Executive Session**

Chairman Reese reported that the Board of Supervisors held an Executive Session on August 31, 2022, at 6:00 pm with EMC Kevin Ferrara to discuss his duties as the Township's Emergency Management Coordinator.

Chairman Reese also reported that the Board of Supervisors held an Executive Session on September 7, 2022, at 6:00 pm to discuss personnel matters.

### **Old Business:**

#### **Woolrich Park**

Clinton County Commissioner Angela Harding provided an update to the Supervisors on the transfer of the Woolrich Park. She said most residents are aware that Woolrich Inc. is donating the park to Clinton County Government, and the County has had discussions with

the Supervisors and they've agreed to accept ownership of the park. So, after Woolrich, Inc. deeds the park over to the County it will then be transferred over to Pine Creek Township.

She explained that there are easements involved because Woolrich, Inc. is still maintaining ownership of the store. The attorneys for Woolrich, Inc. and the County worked on a transfer agreement that has been signed by the Commissioners. Woolrich is in the process of signing the agreement for the transfer, and it is expected that the park will be deeded over to the County by the end of September or the first week in October.

Township Solicitor Rosamilia is working with the County Solicitor on a transfer agreement between Pine Creek Township and Clinton County. She explained that one of the issues was that the Woolrich Park is maintained by the Woolrich Beneficial Group who rents the pavilions, collect the fees, and pay an employee to maintain the park.

The park will be closed in mid-October so the current timeline for the transfer will allow for the Beneficial Group to close the park for the season which means rentals are done for the year and their maintenance of the park will end. It was agreed that the Beneficial Group keep the pavilion rental fees for this year and when the park opens next year, it will be in the hands of Pine Creek Township.

She said that Clinton County will provide financial support Pine Creek Township to continue to maintain the Woolrich Park to help ensure it remains a community asset. The County will have first right of refusal to take the park back should Pine Creek Township ever decide to sell the park. She also noted that the Beneficial Group is donating its maintenance equipment to the Township.

Resident Don Lomison asked what would happen to longstanding annual reservations for pavilions at the park.

Commissioner Harding stated that the Beneficial Group will turn over all the rental information to the County who will then provide it to the Township. The Township plans to create a Recreation Committee and they will handle the reservations.

Chairman Reese announced that the signup sheet is available for anyone interested in becoming a member of the Recreation Committee.

### **Noise Ordinance**

Chairman Reese said that based on the input received during the meeting about the proposed noise ordinance, he would like to make a motion not to proceed with adoption of the ordinance; seconded by Supervisor Edwards. The motion passed with both Supervisors Reese and Edwards voting in favor of the motion and Supervisor Packard abstaining.

### **New Business:**

#### **Resignation of Planning Commission Member - Jerry Steis**

Chairman Reese presented a letter of resignation for Jerry Steis who is resigning his position on the Pine Creek Township Planning Commission due to health issues.

Chairman Reese made a motion to accept resignation of Jerry Steis from the Planning Commission; seconded by Supervisor Edwards, MCU.

Chairman Reese announced that any resident interested in serving on the Planning Commission and the vacancy will be posted on the township's website.

Resident John Manuel indicated he would be interested in the position.

### **Bellevue Cemetery Maintenance Fund**

Chairman Reese explained that the owner of the Bellevue Cemetery, which consists of 3.531 acres, is requesting that the Board consider a \$12,000 Perpetual Care Fund for the cemetery in lieu of the proposed \$50,000 previously discussed.

A discussion was held and Solicitor Rosamilia explained that it is up to the Board of Supervisors to decide whether they think the \$12,000 is sufficient and if not it would be appropriate for the Board to reject that amount and propose an amount that would be sufficient.

Chairman Reese made a motion to reject proposal presented on behalf of the Bellevue Cemetery and direct the Township Solicitor to send a letter indicating the Perpetual Care Fund must be \$25,000; seconded by Supervisor Edwards, MCU.

### **Dunnstable Township**

Cory Lucas spoke on behalf of the Dunnstable Township Supervisors thanking Pine Creek Township, especially John Reese and the road crew, for working so closely with Dunnstable Township on road projects. The two townships work very well together whether it be with equipment usage or roads. The Supervisors were really pleased with the work that the guys performed for the township in years past and this year, adding that they would like to see it continue in the future.

Cory also said there are other small townships like Dunnstable that cannot afford to contract out the work, and the Board is thankful for the services provided by Pine Creek Township.

### **Anonie Subdivision**

The Supervisors reviewed the Anonie Subdivision for property located at 3139 Briarwood Drive. The subdivision includes a right-of-way and increases the existing parcel with the residence to 16.3294 acres. The remaining parcel consists of 28.1779 acres which is assessed under Clean & Green.

Chairman Reese made a motion to approve the subdivision as presented; seconded by Supervisor Edwards, MCU.

### **Bryerton Subdivision**

The Supervisors reviewed the subdivision for the Justin and Kristie Bryerton property located in the Commercial Zoning District at 2435 Woodward Avenue in Charlton combining six lots into two. Lot #1 consisting of .5607 acres with a residence; and Lot #2 consisting of .6302 acres with a garage.

Supervisor Edwards made a motion to approve the subdivision as presented; seconded by Chairman Reese, MCU

### **Speed Display/Message Board Trailer**

Chief Winkleman provided a quote to the Supervisors at the August meeting from All Traffic Solutions, Inc., through CoStars, for a speed display/message board trailer in the amount of \$17,115.00.

Chief Winkleman reported that the Police Department received a financial commitment from Terrapin for \$7,000 and may receive a second commitment for \$7,000 which would mean the township would pay approximately \$3,000 for the speed display/message board trailer.

Chairman Reese made a motion to approve the purchase; seconded by Supervisor Edwards, MCU.

### **Computers for Police Vehicles**

Supervisor Edwards made a motion to approve purchasing new computers for the police vehicles; seconded by Supervisor Packard, MCU.

### **Proposed Jersey Shore Area Joint Water Authority Mandatory Connection Ordinance**

The Supervisors received a proposed Jersey Shore Area Joint Water Authority Mandatory Connection Ordinance for consideration from the Water Authority.

The Supervisors requested Solicitor Rosamilia review the ordinance and tabled the proposed ordinance to the October meeting.

### **Donation – Clinton County Children and Youth**

Supervisor Edwards made a motion to donate \$500.00 to Clinton County Children and Youth; seconded by Chairman Reese; MCU.

### **Roadmaster's Report**

Roadmaster John Reese presented the August Road Report during the meeting which included:

- Intermunicipal work for Limestone Township (4 days); Worth Township (3 days); and Dunnstable Township (10 days)
- Tar & chip Spong Hollow and Phelps Chapel
- Cleaned up storm damage throughout the month
- Weed eat various routes; mowed ball fields and at the township building
- Stockpiled 1B stone at the Chatham Run Feed Mill for the Dunnstable Twp Project
- Hauled 1B stone from quarry to the Chatham Run Feed Mill for Township work
- Checked all roads
- Placed cold patch in potholes on various roads
- Filled shoulders on scratch paving on Sulphur Run Road
- Vehicle maintenance – changed over the trucks for paving and prepped grader for intermunicipal work for Avis Borough and cleaned up the trucks

## Emergency Management Coordinator Report

EMC Kevin Ferrara explained that someone filed a complaint with DEP about the FSTI Facility in South Avis which is a hydrochloric Acid transfer facility. The complaint stated that there was a spill at the facility into the Appalachian water aquifer system and contaminated the water and that six people died and others were getting sick.

Kevin's name came up in the complaint that he was representing himself as a Clinton County Emergency Management Coordinator. The township minutes show that he never said that he worked for the County, and it took him about a month to reach the DEP representative who investigated the complaint to discuss the matter. He said they had a lengthy conversation about the complaint, which is confidential, and the DEP Representative talked to the individual twice and as they worked through the complaint, they found it was erroneous.

DEP sent an email to Communications Center and email was then forwarded to a Clinton County Commissioner rather than to him. He said he had to do damage control, whereas if the Commissioner would have reached out to him directly, the matter could have been resolved quickly. He stated there was no spill at FSTI and they have been compliant with everything requested of them.

EMC Ferrara also stated that both Avis and the Woolrich Fire Company did a walkthrough of the facility and they came up with a few things, they are complaint now have an emergency plan in place.

EMC Ferrara also explained that the local Emergency Management Coordinators are recommended by the municipality and appointed by the Governor and all municipalities are required to have an Emergency Management Coordinator.

He said that Title 35 lists requirements for municipalities and Emergency Management Coordinators and read from *Section 7503. Powers and duties of political subdivisions*, as follows:

“(2) Establish, equip and staff an emergency operations center, consolidated with warning and communication systems to support government operations in emergencies and provide other essential facilities and equipment for agencies and activities assigned emergency functions.”

EMC Ferrara said that the Pine Creek Township Municipal Building has been designated as an emergency operations center in the event of a natural disaster such as a large snow event or flooding.

EMC Ferrara also cited *Title 35, Section 7503 (7) Cooperate and coordinate with any public and private agency or entity in achieving any purpose of this part.*

He said this means dealing with public and private entities like Pine Creek Seeds to assist with planning for large events. When the Susquehanna Valley Big Twins held a concert earlier this year, he was involved because at first, they were anticipating 5,000 attendees but then it came down to 2,500 which was due to a miscommunication, adding that the event went very well.

EMC Ferrara said the question was asked last month at the Supervisor's meeting about liability. He said if he gives bad advice or recommendations to a public or private entity Title 35, Section 7704 grants the Commonwealth and Township immunity from civil liability. Also, all local coordinators are covered under the State Worker's Compensation Policy and also the Township's Worker's Compensation Policy if they are injured while performing their duties.

EMC Ferrara presented response ratios for 2021 for both Avis and Woolrich Fire Companies. A discussion was held and it was agreed that the Supervisors would schedule a Special Meeting with Fire Company Officials on October 5, 2022 at 6:00 pm to discuss fire company issues.

### **Law Enforcement**

The July and August Police Reports were presented to the Supervisors for review.

Chief Winkelman reported that the computers for the police vehicles are here and ready to be installed.

Secretary Macklem requested the Supervisors approve purchasing new computer equipment for the municipal office and meeting room if IT Specialist Daryl Geyer approves the quote for the equipment.

Chairman Reese made a motion to approve the purchase of the computer equipment if the quote is approved by IT Specialist Daryl Geyer; seconded by Supervisor Edwards, MCU.

### **Adjournment**

There being no further business, Chairman Reese made a motion to adjourn the meeting; seconded by Supervisor Edwards, MCU. The meeting was adjourned at 9:05 pm.

Respectfully submitted,

*Darlene S. Macklem*

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Darlene S. Macklem, Secretary