**Meeting Minutes December 1st, 2022**

**Time Meeting called to order:** 7:00 pm – Pledge of Allegiance recited

**Supervisor’s Present at Meeting:** Chairperson - Jill Careyva, Vice Chairperson- Jon Dettery, Supervisor - Kyle Mummey, Solicitor - Attorney James Wallbillich, Secretary - Liza Verges, Treasurer - Michele Greenly, Engineer – William Everett

Absent: Zoning Officer- Jonathon Biros

**Public Comment on Agenda Items Only:**

Tom Houser – Code Complaint – Made a complaint on November 12, 2022 about a Tank installed at the L&B Property and never received a reply. Officer Dimmick stated that even though an email was sent to the Police another officer might have received it and addressed it. He was unaware of the complaint and will notify the Chief of Police after the meeting.

Pam Hartz – Treasurer’s Report – will the public receive a copy after it’s been approved or before? Jill Careyva informs that the public will review the report along with the Supervisors.

**Reports**

* Regular Meeting Minutes \_ Kyle Mummey asked if there was a way to receive the minutes before the meeting to have adequate time to review them. Jill Careyva states Minutes can be emailed to him prior to the meeting. Motion to approve Regular Meeting Minutes for November 2022 made by Jon Dettery, seconded by Kyle Mummey. All in favor, motion carried.
* Treasurer’s Report -Tom Houser asked if Nick Merva was our full-time Road Employee and asked if there was a part-time employee which is Dave Sarno. Motion to accept Treasurers Report and bills for payment for November 2022 made by Jill Careyva, Seconded by Kyle Mummey. All in favor, motion carried.
* Solicitor’s Report – The items he needed to discuss are either in old business or new business. No report given at this time. Solicitor will speak on old and new business items.
* Police Report given by Officer Dimmick - Motion to accept Police Report for November 2022 made by Jill Careyva, seconded by Kyle Mummey. All in favor, motion carried.
* Code and Zoning Report – Jill Careyva informs that Jonathon Biros could not be in attendance. Liza Verges will read his report. Jonathon Biros reports he tried to reach Michele Moyer about her final code report and if she had issued any permits for zoning. She informed him that she and her spouse have been very ill and no code related items were issued, however she was reviewing permits and did issue a few. They can be found in the zoning office. He is not attending the meeting because his secretary tested positive for Covid and he is limiting contact for a few days as per Covid Guidelines. For the month of November, he had multiple permits inquired and issued 2 permits. Motion to accept Code and Zoning Reports for November2022 made by Jill Careyva, seconded by Jon Dettery. All in favor, motion carried.
* Engineer’s Report – Road Project is complete. Going over contract, change orders and matching them to the invoices. They saved over $150,000. There were some storm water issues, a few sections of 924 collapsing along the main road. It’s not a big project. Jon Dettery asks about the pot holes on Old Mill Road he would like for him to look at. Motion to accept Engineer’s Report for November 2022 made by Jill Careyva, seconded by Kyle Mummey. All in favor, motion carried.
* Road Report – Roads need maintenance, pipes need jetted. Motion to accept Road Report for November 2022 made by Jill Careyva, seconded by Jon Dettery. All in favor, motion carried.
* Open Records Report - Stephen Bushinski states that on our Townships Website there is a request tracking sheet. About 1/3 of the RTK is to view permits. He believes permits should be filed by secretary and can be viewed by any member of the township without a RTK request. Jill Careyva and Kyle Mummey both agree. Kyle Mummey states a list or sign in sheet of persons requesting permit information should be provided at meetings. Motion to accept Open Records Report for November 2022 made by Jill Careyva, seconded by Jon Dettery. All in favor, motion carried.

**Old Business:**

* Hearing for Phineyville Road Solar Project on November 17th, 2022 - Solicitor Jim Wallbillich stated there was a grant of the Conditional Use Application at the conclusion of the hearing. He did not have the transcript from the court reporter available that would include the entire testimony presented. No one opposed the project and several people voiced their expression of interest and were in favor of it. The Board granted the request. Under the relevant section of the States stature there has to be a written decision when it comes to a Conditional Use Application. He has prepared a Decision by East Union Townships Board of Supervisors which was circulated by email to all the supervisors. The permit was conditioned upon two things happening; one was that on the ordinance prior to the construction of any solar facility; the applicant has to provide financial security to pay for the cost to decommission the project (breaking up the concrete pads, taking out the panels, etc.). He received an email from New Leaf energy on behalf of the project with a decommissioning estimate plan that runs 8 pages long. It has the summary of decommissioning cost and salvage values and this sets what they are proposing would be the decommissioning cost bond. That they have to post before they actually begin construction. They can construct in a year from now and the decommission cost might go up and might have to be revisited. The decommissioning cost for the purpose of the bond is at $228,000. The first 6 pages of the letter details how they would take things down. Another letter received that meets the second conditions the supervisors imposed under the ordinance which was that there had to be a written acknowledgment signed by the applicant stating that the issuance of the permit does not create certain rights on the property owner regarding keeping the property free from shadows or obstructions to Solar Energy. His recommendation was for the supervisors to consider entering into and signing the decree prepared consistent with their decision and containing the two conditions. He will then inform New Leaf of the signing of the decree so that the decommissioning of the facility will have to be based on the cost presented at the time they secured the bond prior to the construction on the property at the beginning. He provided copies of the decommissioning plan to supervisors and can email them as well.
* Tom Houser asks there were 2 conditions under which the supervisors granted them a conditional use, was there any mention of the distribution of the energy that will be generated in Phineyville and whether it would be distributed locally to the people who live in the area. The Solicitor James Wallbillich informs that there are more than 2 in the ordinance that they must abide by but those 2 specifically were stated to them at the hearing. He continues to inform that the discussion of it would be reflected in the transcripts. He recalls at the hearing that they were asked by the Zoning Officer Jonathon Biros if they can get a link to place on our Townships website so the Township can access it. They state they have never done this before. Tom Houser continues to say that they had mentioned in the November 17 meeting that they proposed to sell to local at ½ the cost and he wondered if it was made a condition under the conditional use.
* Martin Kutsko asked if the decommission at $228,000 after a year, but wouldn’t that be for 30-40 years from now? Solicitor James Wallbillich stated it was not accepted and they based the decommission cost on present Fair Market Value.
* 2023 Budget – A special meeting was held on November 29th, 2022 to discuss a tentative budget which showed an increase of 7% on expenses. The tentative budget was advertised. It is available for review for 20 days at the office. Motion to advertise special meeting for the purpose to adopt the 2023 Budget for December 21, 2022 made by Jill Careyva, seconded by Jon Dettery. Amended motion to included time for 5pm made by Jill Careyva, seconded by Kyle Mummey. All in favor, motion carried.

**New Business:**

* Treasurer Resignation- Treasurer will resume task till end of year. Motion to advertise for new treasurer made by Jill Careyva, seconded by Jon Dettery. All in favor, motion carried.
* Appoint new Code Enforcement Officer – tabled to be discussed at Executive Session and announced after.
* Authorize invoicing recoverable fees and costs related to all recent zoning changes-Solicitor James Wallbillich states that there have been thousands of dollars spent on advertising for public notices, court reporter transcription fees, cost and expenses in connections with citizens applications regarding zoning changes dating back to Eagle Rock. Under the Municipalities Planning Code and East Union Townships Ordinances, your allowed to invoice for the cost of their application. Its prudent to recover some of those cost from the applicant. Motion to recover cost made by Jill Careyva, seconded by Jon Dettery. All in favor, motion carried.
* Authorize advertisement of auditors, re-organization, planning commission and regular meetings for 2023 – motion made by Jill Careyva, seconded by Jon Dettery. All in favor, motion carried.
* Jackie Houser informed of an advertisement error in the newspaper.
* Discuss 2022 Audit – Solicitor James Wallbillich state the Auditors must meet on January 4th, 2023 by state law. The Auditors had refused the prior year to do the audit and communicated too late. The reason was behind it was the treasurer resigned and the month of December was missing. The prior audit was done by Moore and Moore Assoc. Motion to approve ad for the intent to hire a CPA to complete Audit made by Jill Careyva, seconded by Kyle Mummey. All in favor, motion carried.
* Pumping Station (3 Member Committee)- Dave Sarno state he’s been contacted by a lot of people and that there is grant money out there. They feel that there should be a committee before they can go out there and actually get something done about it. Kyle Mummey spoke with a member of Shenandoah counsel, there has to be a joint venture agreement before we can discuss money or grants.
* Ray Trojan asks why if Shenandoah owns it, why do we have to apply for grants for it? Kyle Mummey states they are a financial distressed borough.
* Stephen Bushinski thinks first we should consult with the Engineer to see the condition of the dam. What does DCNR think of the Dam? Second, get your lawyer involved early. Make your solicitor a part of your committee. Shenandoah will not give up ownership of the dam.
* Bob Gabardi states DEP should know the condition of the dam.
* Pam Hartz stated in the past, Kyle, you guys had said imminent domain on that property. Kyle Mummey stated that it was an option but it was never proposed.

Solicitor James Wallbillich informs with 2 supervisors on the committee, they cannot deliberate, information gathering only. Motion to set a committee for the purpose of information only to discuss the topic of the pumping station dam of Shenandoah consisting of Kyle Mummey, Jon, Dettery, Dave Sarno, Ricky Grabosky made by Kyle Mummey, seconded by Jill Careyva. All in favor motion carries.

* Act on plans from SOVFC land sub/division – Chairperson Jill Careyva informs that at the last meeting it was decided to let the Engineer review it. Engineer William Everett states it wasn’t an act of subdivision and we don’t have anything in our ordinance that will cover it. We came up with minor subdivision. The Solicitor James Wallbillich state they have to submit an application with the fee and ask that their plans be reviewed and approved. They can request a waiver with their application. Motion to deny any applications they may have submitted, must submit new application, fee payment and any waivers they would include made by Jill Careyva, seconded by Jon Dettery. All in favor, motion carried.
* Motion to approve Repository Sale – decision to be made at next meeting, decision must be reported back to Schuylkill County by January 7th, 2023.
* Motion to authorize December Disbursement of fire tax money to fire company in the amount of $4,000 in a check- motioned by Kyle Mummey, seconded by Jon Dettery. All in favor, motion carried.
* Reimbursement for Fire Demolition - Alicia Estudillo and Charles Wezner- Pending Zoning review, sewer capped, reimbursement may be released. Motion made by Kyle Mummey, seconded by Jill Careyva. All in favor, motion carried.
* Executive Session – Personnel and Litigation Matters- Motion for Executive Session made by Jill Careyva, seconded by Kyle Mummey. All in favor, motion carried.

**Executive Session** **started 8:14pm, ended 8:36pm.**

* Motion to hire New Code Enforcement Officer, Tara Dolzani at $500.00 a month made by Jill Careyva, seconded by Kyle Mummey. All in favor, motion carried.
* Motion for Solicitor James Wallbillich to attend Zoning Hearing on December 19th, 2022 made by Jill Careyva, seconded by Jon Dettery. All in favor, motion carried.

**Public Participation:**

* Martin Kutsko asks is there any way to get PennDOT to put up no brake retarders in Brandonville? Can this be looked into?
* Dave Sarno asks about the need for a relief plow driver and Vice Chairperson Jon Dettery showed interest but does not have the job. Why? Chairperson Jill Careyva states auditors make up supervisors pay. Jon Dettery states they offered him $12.00 an hour which he refused. Dave Sarno states they would hire an outsider for more than $18.00 an hour and it doesn’t seem fair. Robert Gabardi (an Auditor) states the working supervisor’s salary is set by the elected Auditors. The supervisor’s salary is set by the state. He then states Jon Dettery had signed a sworn notarized statement authorizing a raise that cost the townships $62,000. He states about $40,000 in salary and about $20,000 in benefits. He then continues to say that a part-time employee in McAdoo Borough makes $12.00 an hour. Solicitor James Wallbillich explains that as an Auditor he should base a supervisor’s salary on similar services and not lowball because they think he made an error before. Robert Gabardi continues to say that the salary is set by auditors and for how many hours worked. Jill Careyva asks if anyone is interested in snow plowing. Kyle Mummey suggest advertising in the newspaper, to get a roster of people to work relief when needed. Pam Hartz asked if the auditors had a meeting and if minutes could be produced, and if they can be sued for retaliating against a supervisor.
* Motion to advertise for snow plow drivers made by Kyle Mummey, seconded by Jill Careyva. All in favor motion carried.
* Pam Hartz comments that she believes it is ridiculous for the Auditors to hold Jon Dettery accountable for something that a treasurer did when there were 3 supervisors.
* Jill Careyva informs that an appointed official can not be on another board. Robert Gabardi interjects stating he will sue. Jill Careyva continues that since he will not resign from Auditor, they will appoint someone else on planning commission. Contego Flaim from Brandonville has shown interest, as well as Tom Houser. Ray Trojan states there planning commission is made of 3 members and since he has been apart of it only 2 members have shown up for the meeting.
* Motion to appoint Contego Flaim to replace Robert Gabardi’s position on the planning commission made by Jill Careyva, seconded by Jon Dettery. All in favor, motion to carried.
* Motion to appoint Tom Houser has an alternate member on the planning commission if and when a member can not attend made by Kyle Mummey, seconded by Jill Careyva. All in favor, motion carried.
* Ray Trojan asked if any supervisor knew of the gun range reappealing under a different name? Which they all replied no.

**Motion to Adjourn and Time:** 8:54pm

**Members of Public in Attendance (please see attached sign-in sheet):** Tara Dolzani, PamHartz,Ray Trojan,Rick Grabosky, Kris Pasupuleli, Stephen Bushinski, Martin Kutsko, Dave Sarno, Jackie Houser, Thomas Houser, and Bob Gabardi.