

**POCONO TOWNSHIP SUPERVISORS  
REGULAR MEETING  
July 15, 2013**

**MINUTES**

Chairman Frank Hess opened the meeting at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: Frank Hess, Chairman; Harold Werkheiser, Supervisor; Henry Bengel, Vice Chairman; Frank Froio, Township Administrator; Jeffrey Durney, Township Solicitor

**ANNOUNCEMENTS/CALENDAR:**

Sewer Meeting on July 16, 2013 at 6:00 p.m.

Planning Commission Meeting on July 22, 2013 at 7:00 p.m.

Board of Supervisors Meeting on August 5, 2013 at 7:00 p.m.

**PUBLIC COMMENT:**

Ronald Swink expressed his concern that the Township should address zoning with respect to adult-oriented businesses. R. Swink noted that Hamilton Township had recently revised its zoning ordinance to limit the areas in which such businesses could operate. A brief discussion followed.

**ENGINEER'S REPORT:**

None.

**SOLICITOR'S REPORT:**

Henryville Inn, LLC – Consideration of Adoption of Ordinance 2013-05 Zoning Map Amendment. J. Durney advised that a public hearing on the proposed Ordinance had been held on July 1, 2013 and that the Ordinance was ready for the Board's consideration for possible adoption. J. Durney provided a brief review of the application. The property of the Henryville Inn is located in 2 zoning districts: the former Meadowbrook restaurant and Inn is located in the R-1 District, while the parking lot and other Inn rental units are located in the RD District. Henryville Inn is requesting that the entire property be located in the RD District. J. Durney advised that the application had been reviewed by the Township Planning Commission and the Monroe County Planning Commission and both bodies recommended that the Board approve the application. H. Bengel made a motion, seconded by H. Werkheiser, to adopt Ordinance No. 2013-05. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **ORDINANCE NO. 2013-05.**

Hillside Business Park – Consideration of Final Plan Modification. J. Durney advised that a request had been received from Jeff Snyder, the developer of Hillside Business

Park for a final plan modification for the project that would permit the substitution of a tar and chip layer for the 1 ½” bituminous asphalt wearing course for Rose Street. J. Snyder provided further information concerning the request and advised that he had obtained the consent of all property owners on Rose Street to the requested substitution. A short discussion followed. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Final Plan Modification of the Hillside Business Park to permit the substitution of a tar and chip layer for the 1 ½” bituminous asphalt wearing course for Rose Street subject to (1) the Township Engineer’s review and approval that all storm water inlets are properly functioning and will not be negatively impacted by the change and (2) a release executed by all property owners whose properties are accessed via Rose Street. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Second Hand Goods Dealers – Authorization to Prepare Ordinance. J. Durney advised that the Monroe County District Attorney’s Office was requesting that each municipality in the County adopt an ordinance regulating Second Hand Goods Dealers. The request was made in an effort to assist law enforcement in, *inter alia*, regulating the sale of stolen goods. Police Chief Phil Riley offered his comments in support of an ordinance, as it would greatly assist in law enforcement. A brief discussion followed. H. Bengel made a motion, seconded by H. Werkheiser, to request that the Township Solicitor prepare an ordinance regulating Second Hand Goods Dealers. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Federal Bureau of Investigation Commendations. F. Hess advised that representatives from the FBI had come to the Township to commend and thank officers from the Township’s Police Department who provided critical assistance in breaking an interstate crime ring. The Board offered their praise for the Police Department’s work.

CBH20, L.P. (Camelback Lodge & Waterpark) – Consideration of Ordinance 2013-06 Establishment of Pocono CBK TIF District. J. Durney advised that a public hearing on the proposed Ordinance had been held on July 1, 2013 and that the Ordinance was ready for the Board’s consideration for possible adoption. J. Durney provided an overview of the TIF process and the satisfaction of each of the required procedural steps. Emil Pulletta expressed his opposition to the TIF citing numerous concerns. A brief discussion followed. H. Bengel made a motion, seconded by H. Werkheiser, to adopt Ordinance No. 2013-06 establishing the Pocono CBK TIF District. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **ORDINANCE NO. 2013-06.**

Northampton County Community College – Authorization to Advertise Road Widening Ordinance. J. Durney advised that an ordinance had been drafted that would widen the right-of-way along Route 715 and Warner Road, as required by PennDOT in connection with the College’s project. J. Durney advised that the College had obtained the consent of all affected property owners. The road widening ordinance would be followed by an amicable condemnation action. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of the Road Widening Ordinance for possible adoption at the Board’s August 5, 2013 meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Northampton County Community College – Application for Permit to Install Traffic Signal. J. Durney advised that the College requested that, pursuant to PennDOT’s requirement, the Township resubmit the Application for Permit to Install Traffic Signal at the intersection of SR 715 and Warner Road. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the Chairman to sign the Application for Permit to Install Traffic Signal. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**ADMINISTRATOR’S REPORT:**

Trap Enterprises, LLC – Authorization to Advertise Proposed Zoning Ordinance Amendment. F. Froio advised that Trap Enterprises had submitted a proposed Zoning Ordinance Amendment. H. Werkheiser made a motion, seconded by H. Bengel, to authorize the advertisement of the proposed Zoning Ordinance Amendment for consideration at a future Board meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Trap Enterprises, LLC – Authorization to Advertise Conditional Use Hearing. F. Froio advised that a conditional use hearing needed to be scheduled in connection with the Trap Enterprises application. H. Werkheiser made a motion, seconded by H. Bengel, to authorize the advertisement of the conditional use hearing for the Trap Enterprises application. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Case 621F XT Loader Tool Carrier – Consideration of Purchase. F. Froio advised that the cab on the Township’s existing Wheel Loader is in very poor condition, with extensive rust damage. The Township received an estimate of \$31,527.00 to repair the truck. F. Froio advised that the Township also investigated the option of purchasing a replacement vehicle. The Township received quotes from two dealers. The better quote came from Medico Industries, which is a COSTARS participant. Medico provided a quote, pursuant to the PA State Piggy Back Program, of \$169,551.80 for a new Case 621F XT Loader Tool Carrier. Medico also agreed to a trade-in value of \$78,000.00 for the existing vehicle. Medico further offered an additional discount of \$1,551.80. The net price to the Township for the new vehicle would be \$90,000.00. Medico also offered 0% financing for 24 months. Phil Medico provided additional information about his company and the proposal. A short discussion followed. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the purchase of the Case 621F XT Loader Tool Carrier from Medico for \$90,000.00 (including the trade-in of the Township’s existing Wheel Loader) subject to obtaining one additional price quote from another dealer that is not more favorable than the terms offered by Medico. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sanofi Pasteur B53 GCI Addition – Extension Request. F. Froio advised that Sanofi had requested a 60 day time extension with respect to the B53 GCI Addition project. H. Bengel made a motion, seconded by H. Werkheiser, to approve the 60 day time extension

request with regard to the B53 GCI Addition. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Tanalo Estates – Time Extension Request. F. Froio advised that the engineer for Tanalo Estates had requested a 90 day time extension with respect to the Tanalo Estates project. H. Bengel made a motion, seconded by H. Werkheiser, to approve the 90 day time extension request with regard to the Tanalo Estates project. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Pocono Township Volunteer Fire Company – Appointment of Fire Police. F. Froio advised that the Fire Department requested that William Joseph Ward be appointed to the Fire Police. W. Ward had completed all required training. H. Bengel made a motion, seconded by H. Werkheiser, to appoint William Joseph Ward to the Fire Police. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Stadden Road Scour Repair – Bid Recommendation. F. Froio advised that after review of the bids received, the Township Engineer recommended that the bids be rejected and the project be re-bid with additional specifications. The Engineer suggested that additional specifications would likely lead to more informed and competitive bides. H. Bengel made a motion, seconded by H. Werkheiser, to reject the bids for Stadden Road Scour Repair project and instruct the Township Engineer to prepare new specifications for the project to be re-bid. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**PAYMENT OF BILLS:**

H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of the semi-monthly bills on the Bill Payment List dated July 15, 2013 (GENERAL FUND: \$57,285.02; PARK FUND: \$1,897.50; DEBT SERVICE: \$3,477.01). Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**APPROVAL OF MINUTES:**

H. Bengel made a motion, seconded by H. Werkheiser, to approve the minutes of the July 1, 2013 Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, abstained. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**PUBLIC COMMENT:**

Emil Pulletta asked several questions concerning the regulation of fireworks in the Township. Chief Riley provided comments on the difficulties in enforcing fireworks restrictions.

E. Pulletta asked about potholes in Cobble Creek.

**EXECUTIVE SESSION:**

J. Durney advised that the Board would meet in Executive Session to discuss two litigation matters (Horninger and Bangiyev). F. Hess announced that the Board would not reconvene after the Executive Session.

**ADJOURNMENT:**

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn to Executive Session and to adjourn the meeting at 8:17 p.m., until August 5, 2013 at 7:00 p.m. at the Pocono Township Municipal Building. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.