

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
October 21, 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:

Zoning Hearing Board hearing on October 24, 2013 CANCELLED

Planning Commission Meeting on October 28, 2013 at 7:00 p.m.

1st and 2nd Class Township Informational Meeting on October 30, 2013 at 7:00 p.m. (St. Paul's Church)

Children's Halloween Party on October 31, 2013 at 5:00 to 8:00 p.m.

Board of Supervisors Meeting on November 4, 2013 at 7:00 p.m.

PUBLIC COMMENT:

None.

PRESENTATION:

Jim Lambert from the Monroe County Municipal Waste Authority made a presentation concerning the County's new 10-year plan. J. Lambert advised that the County was able to obtain rates through 2025 that are cheaper than the rates paid today. The new plan will go into effect on January 1, 2015. J. Lambert advised that the Township is already performing the tasks it needs to perform.

Resolution No. 2013-28 (Monroe County Municipal Waste Management Plan) – Consideration of Adoption. H. Bengel made a motion, seconded by H. Werkheiser, to approve Resolution 2013-28 approving the Monroe County Municipal Waste Management Plan. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **RESOLUTION 2013-28.**

ENGINEER'S REPORT:

None.

SOLICITOR'S REPORT:

Second Hand Goods Dealer – Discussion of Proposed Ordinance. J. Durney advised that, in response to comments received, the Ordinance was revised to provide that it does not apply to any person or business that is not regularly engaged in the purchase and sale of Secondhand Goods, such as sellers at garage sales and flea markets and eBay sellers. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of the Ordinance for proposed adoption. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Resolution 2013-30 – Prohibition on Supervisors Being Employed by the Township. J. Durney advised that, per the directions given at the prior Board meeting, a Resolution was drafted prohibiting Supervisors from holding paid Township positions. J. Durney further advised that as part of this task, he researched whether such a resolution adopted by the current Board would bind a future Board. J. Durney stated that he reviewed the relevant statutory provisions, conducted legal research and contacted the General Counsel at the Pennsylvania State Association of Township Supervisors (PSATS). Based upon the research, J. Durney stated his opinion that a resolution of this nature adopted by the current Board would not legally bind a future Board. As such, a future Board could elect to have Supervisors become employed by the Township in paid positions. J. Durney further stated that while a resolution adopted prohibiting Supervisors from holding paid Township positions would not legally bind a future Board, there would be significant political pressure on future Boards not to rescind such a resolution. J. Durney further advised that PSATS indicated that East Hempfield Township in Lancaster County has had a resolution or ordinance in place since 1972 that prohibits supervisors from holding paid Township positions and no one has challenged it or tried to change it. Judi Coover stated that based upon her research, the proposed Resolution would not be binding on any future Board. She also questioned whether the Board could adopt the proposed Resolution. J. Coover provided a document that summarized her research. A discussion followed. Several residents questioned the timing and enforceability of the proposed resolution. H. Bengel made a motion, seconded by H. Werkheiser, to table the proposed Resolution. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

ADMINISTRATOR'S REPORT:

Ramada Inn Limited – Land Development Waiver Request. Doug Olmstead, engineer, provided an overview of the limited development being undertaken, which consists of the addition of an elevator to the front of the building and canopy. Only about 28 square feet of current pervious surface is proposed to become impervious. D. Olmstead requested a waiver from the SALDO and Stormwater Ordinance given the de minimis nature of the work. H. Bengel made a motion, seconded by H. Werkheiser, to grant the applicant a waiver from the SALDO and Stormwater Ordinance, subject the applicant complying with all comments from the Township engineer and the permitting process. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Spirit of Swiftwater, Phase I (Apartments) – Professional Services Agreement. F. Froio advised that Spirit of Swiftwater delivered a Professional Services Agreement to the

Township. H. Bengel made a motion, seconded by H. Werkheiser, to approve entry into a Professional Services Agreement with Spirit of Swiftwater for Phase I (Apartments). Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Spirit of Swiftwater, Phase II (Hotel) – Professional Services Agreement. F. Froio advised that Spirit of Swiftwater delivered a Professional Services Agreement to the Township. H. Bengel made a motion, seconded by H. Werkheiser, to approve entry into a Professional Services Agreement with Spirit of Swiftwater for Phase II (Hotel). Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Anthony & Marlene Maula (Nottingham Manor) – Escrow Release Request. F. Froio advised that a request for escrow release had been received. F. Froio advised that the Township had inspected the work and found it to be satisfactory. H. Werkheiser further advised that the work was completed. H. Bengel made a motion, seconded by H. Werkheiser, to approve the escrow release to the Maulas for Nottingham Manor. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

HJP Park and Open Space Commission – Letter of Support Request. F. Froio advised that the HJP Park and Open Space Commission requested a letter of support from the Board. Charlie Trapasso requested additional information concerning the request. She expressed concern about the amounts the Township was dedicating toward a park with such limited facilities and operations. C. Trapasso was further concerned about the amounts the Township is paying toward salaries and the proportionate share of expenses being borne by Pocono Township compared to the other Townships. Harold Ernsberger, Executive Director of the Park and Open Space Commission, provided information regarding the park, its progress and programs, and the Commission’s request. A discussion followed. H. Bengel made a motion, seconded by H. Werkheiser, to approve a letter of support for the HJP Park and Open Space Commission. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Resolution No. 2013-29 (HJP LSA Grant Request) – Consideration of Adoption. F. Froio advised that the HJP Park requested that the Board adopt a resolution in support of the HJP Park’s LSA grant request. There was a short discussion. H. Bengel made a motion, seconded by H. Werkheiser, to approve Resolution 2013-29 supporting the Park Commission’s LSA grant request for the purchase of new playground equipment. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.
RESOLUTION 2013-29.

Sale of Surplus Vehicles – Authorization to Sell to Highest Bidder. F. Froio advised of the results of the auction for the Township’s surplus vehicles. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the sale of the vehicles to the highest bidders (2002 Chevy Impala: \$1,750.00; 2001 Chevy Impala: \$1,550.00; 1996 Jeep Cherokee: \$2,701.01). Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Tanalo Estates Major Subdivision Plan – Time Extension Request. F. Froio advised that the Township had received a time extension request from Tanalo Estates with respect to its proposed subdivision. The Applicant sought a 90-day time extension. There was a short discussion. H. Bengel made a motion, seconded by H. Werkheiser, to approve the time extension request subject to the plan being submitted to the Planning Commission, if necessary, before the plan is further considered by the Board of Supervisors. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Financial Update – Projection of 2013 Fiscal Results. F. Froio provided an overview of the 2013 fiscal year to date. F. Froio further provided projections through the end of 2013. Based upon the projections, the Township should end the year with a surplus. F. Hess indicated that he thought the Township may be in a position to provide a 2 mill reduction in taxes. A short discussion followed.

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 October 21, 2013, subject to clarification and possible amendment of the tire repair bill. Approved bill payments: **GENERAL FUND: \$137,895.89; PARK FUND: \$151.72; 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 October 7, 2013 Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

OLD BUSINESS:

J. Cilurso asked about an agreement with F. Froio. F. Hess stated that no written contract had been entered into. J. Cilurso asked about the appointment of a Public Works Director. F. Hess advised that no decision had been made. A short discussion followed. J. Cilurso asked whether H. Werkheiser had been reimbursed for his boots. F. Hess advised that he had not yet been reimbursed.

NEW BUSINESS:

None.

PUBLIC COMMENT:

Judi Coover asked about the date for the budget workshop. F. Hess advised that he would have a date by the following day.

Monica Gerrity commented about the HJP Park agreement. She further asked about the meeting regarding 1st and 2nd Class Townships.

Charlie Trapasso restated her support for open space in the Township, but further expressed her concern about the \$60,000 per year being paid to staff HJP Park and its limited activities, particularly when the Township already has a park.

Diane Zweifel asked about the 1st and 2nd Class Township forum.

Taylor Munoz announced that the 3rd meeting concerning the 1st Class Township initiative would be held on October 24th at Northampton County Area Community College. T. Munoz stated that the chairman of the Lower Macungie Board would be present to discuss that Township's conversion from a 2nd Class Township to a 1st Class Township.

Arthur Berry from Camelback presented a request to use Mountain View Park for employee parking on a few weekends during January and February 2014. The need for parking is as a result of the construction of the hotel at Camelback. A. Berry stated that Camelback would provide insurance and a hold harmless agreement in favor of the Township. Camelback would also be responsible for plowing, security and the repair of any damages. The parking would be located in the rear of the park with Camelback providing a shuttle for its employees. A discussion followed. No action was taken on the request.

EXECUTIVE SESSION:

J. Durney announced that there would be a brief Executive Session immediately following the meeting in order to discuss a litigation matter.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 8:31 p.m., until November 4, 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.