

**POCONO TOWNSHIP SUPERVISORS  
REGULAR MEETING  
December 16, 2013**

**MINUTES**

Chairman Frank Hess opened the meeting at 7:19 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: Frank Hess, Chairman; Henry Bengel, Vice Chairman; Harold Werkheiser, Supervisor; Frank Froio, Township Administrator; David Horton, Township Engineer; Jeffrey Durney, Township Solicitor; Colby Grim, Township Alternate Solicitor

**ANNOUNCEMENTS/CALENDAR:**

Sewer Meeting on December 17, 2013 at 6:00 p.m.

Planning Commission Meeting on December 23, 2013 at 7:00 p.m. -- **CANCELLED**

Board of Supervisors Meeting on December 30, 2013 at 6:00 p.m.

**PRESENTATION:**

Assistant Police Chief Kent Werkheiser made special presentations to Police Chief Phil Riley and Officer Robert Miller in honor of their respective retirements from the Police Department. K. Werkheiser praised both men for their dedicated service and each was presented with a plaque. K. Werkheiser further advised that the Chief and Officer Miller would be permitted to keep their service weapons. K. Werkheiser also advised that Magistrate Judge Tom Olsen would also be presented with his service weapon, something that had been overlooked when Judge Olsen retired from the Police Department.

**PUBLIC COMMENT:**

None.

**ENGINEER'S REPORT:**

The Spirit of Swiftwater, Inc. – Modification Requests. D. Horton provided a brief overview of the Applicant's project. The Applicant was represented by engineer Ann Wingert and owner Anthony Maula. A. Wingert provided a detailed description of the proposed project, which would include a hotel and apartments. She described the revisions from the original proposal, which had included a retail component. The Applicant sought approval of several Modification Requests: (1) Section 2.302.A of the SALDO regarding sheet size; (2) Section 3.307 of the SALDO permitting a single means and an emergency access rather than two means of access; (3) Section 3.208.F that the driveway is not a street; (4) Section 3.402 of the SALDO to permit a closer spacing between the apartment buildings due to the physical conditions existing on the property;

and (5) Section 3.403 of the SALDO to permit more than 12 units maximum per building. The Modifications would apply to both the hotel and apartment projects, as applicable. A. Wingert and A. Maula provided additional information concerning the Modification Requests, including compliance with building code, fire suppression and other relevant regulations. H. Werkheiser questioned whether BIU had provided its input with respect to the requested reduction in the spacing between the apartment buildings. Annabella Lastowski asked several questions about the project. A short discussion followed. H. Bengel made a motion, seconded by H. Werkheiser, to grant the Modification Requests from Sections 2.302.A, 3.307 and 3.308.F of the SALDO for the hotel and apartment projects. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. H. Bengel made a motion, seconded by H. Werkheiser, to grant the Modification Request from Section 3.402 of the SALDO subject to BIU and the PTVFC Fire Chief approving the proposed reduction in the separation distances between the apartment buildings. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. H. Bengel made a motion, seconded by H. Werkheiser, to grant the Modification Request from Section 3.403 of the SALDO subject to the approval of BIU and compliance with the state Building Code. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Pocono Logistics – Modification Requests. The applicant was represented by engineer Donna Alker. D. Alker provided an overview of the current use of the property, which consists of the parking and repair of trucks. The proposed plan contemplates certain improvements to the property. The Applicant sought approval of several modifications: (1) Section 2.106 of the SALDO allowing for the submission of a preliminary/final land development plan; (2) Section 2.302.B.14 waiving the requirement that the Applicant illustrate contour lines on the steeply sloped and undeveloped northern portion of the property where no improvements are proposed; (3) Section 2.302.B.22 waiving the requirement that the Applicant illustrate available and safe stopping distances on the plan; and (4) Section 301.G of the Stormwater Ordinance to allow improvement within the 50 foot stream buffer. The Planning Commission recommended granting the Modification Requests, with the modification from Section 301.G of the Stormwater Ordinance being conditioned upon the Applicant installing an appropriate liner in the detention basin. D. Horton advised that he supported the Modification Requests from Section 2.106 and 2.302.B.14 of the SALDO and Section 301.G of the Stormwater Ordinance, but did not support granting the Modification Request from Section 2.302.B.22 of the SALDO. H. Werkheiser expressed his concern that the existing driveway was not wide enough for the trucks to make turns, which was resulting in damage to the road. There was a short discussion concerning the number of trucks and trailers to be located on the property. H. Bengel made a motion, seconded by H. Werkheiser, to grant the Modification Requests from Section 2.106 of the SALDO. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. H. Bengel made a motion, seconded by H. Werkheiser, to grant the Modification Request from Section 2.302.B.14 of the SALDO. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. H. Bengel made a motion, seconded by H. Werkheiser, to grant the Modification Request from Section 301.G of the Stormwater Ordinance subject to the Applicant providing measures satisfactory to the Township Engineer that address preserving water quality on the site.

Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. No motion was made to approve the Modification Request from Section 2.302.B.22 of the SALDO. H. Bengel made a motion, seconded by H. Werkheiser, to require that the Applicant include the maximum number of trucks and trailers on the plan. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

CBH20, L.P. (Camelback Lodge & Waterpark) – Escrow Release Request. D. Horton advised that a request for release from escrow had been received from Camelback based upon the work accomplished to date. D. Horton inspected the work completed and recommended that the Board approve the escrow release request. H. Bengel made a motion, seconded by H. Werkheiser, to approve the escrow release request of CBH20, L.P. reducing the escrow amount to \$1,168,306.51. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

### **SOLICITOR’S REPORT:**

Police Chief Phil Riley – Acceptance of Letter of Resignation from Pocono Township Police Department. J. Durney advised that a formal letter of resignation from Chief Riley had been received. His resignation would become effective as of December 30, 2013. H. Bengel made a motion, seconded by H. Werkheiser, to accept the letter of resignation effective December 30, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Robert Miller – Acceptance of Letter of Resignation from Pocono Township Police Department. J. Durney advised that a formal letter of resignation from Officer Miller had been received. His resignation was effective as of November 30, 2013. H. Bengel made a motion, seconded by H. Werkheiser, to accept the letter of resignation effective November 30, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Robert Miller – Approval of Separation Agreement and Release. J. Durney advised that a Separation Agreement and Release had been negotiated among Officer Miller, the Police Union and the Township. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Separation Agreement and Release with Officer Miller. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Kent Werkheiser – Consideration of Appointment as Chief of Police. A brief discussion was held regarding the appointment of Kent Werkheiser to Police Chief. H. Bengel made a motion, seconded by F. Hess, to appoint Kent Werkheiser as Police Chief effective December 31, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, abstained; F. Hess, yes. Motion carried.

Resolution 2013-32 – Real Estate Acquisition. J. Durney advised that an amicable agreement had been reached with Mr. Lovito to appropriate by eminent domain a portion of his property in connection with the public sewer system. The necessary resolution had been prepared to authorize the acquisition. H. Bengel made a motion, seconded by H. Werkheiser, to approve Resolution 2013-32 authorizing the Board to appropriate by

eminent domain certain real estate for public sanitary sewer services. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **RESOLUTION 2013-32.**

McKeown Real Estate – Authorization to Obtain Real Estate Appraisal. J. Durney advised that in connection with the acquisition of the parcel of land from Lovito, the Township needs to obtain an appraisal of the value of the land. H. Bengel made a motion, seconded by H. Werkheiser, to contract with McKeown Real Estate to obtain the necessary appraisal of the Lovito parcel to be acquired by the Township. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**ADMINISTRATOR’S REPORT:**

Nationwide Trust Company – Authorization to Establish Custodial Account for 457 Plan. F. Froio advised that several Township employees requested an alternative custodial account for the 457 Plan. After review of the proposal, F. Froio recommended Nationwide Trust Company. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the establishment of a custodial account for the 457 Plan with Nationwide Trust Company. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sanofi Pasteur – 911 Address Change Request. F. Froio advised that a request had been received from Sanofi to renumber their internal buildings to be consistent with the numbers already posted on the outside of the buildings. This request was approved by the County’s 911 Emergency Services office. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the 911 Address Change Request of Sanofi Pasteur with respect to their internal buildings. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Resolution 2013-30 – Consideration of Adoption of 2014 Budget. F. Froio advised that a few minor revisions had been made to the draft budget to reflect funds that were not expended in 2013 that will be carried over to 2014. The budget contains a 2 mill tax reduction. H. Werkheiser stated that he thought the tax reduction should be removed with the funds dedicated toward road improvements. Judi Coover expressed her concern that the proposed budget did not contain adequate funds for road repair and certain other matters. Monica Gerrity also questioned whether adequate funds had been set aside for the maintenance and road department. A short discussion followed. H. Bengel made a motion, seconded by F. Hess, to adopt Resolution 2013-30: 2014 Budget. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried. **RESOLUTION 2013-30.**

Resolution 2013-31 – Consideration of Establish Real Estate Tax Rates for 2014. F. Froio advised that with the approval of the 2014 Budget, it was now necessary to establish the tax rates. H. Bengel made a motion, seconded by F. Hess, to adopt Resolution 2013-31 establishing the tax rates for 2014. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried. **RESOLUTION 2013-31.**

Authorization to Advertise Year-End Board of Supervisors Meeting. F. Froio advised that the Board would need to hold a final meeting in 2013 in order to pay year-end bills, make supplemental appropriations and process other matters. H. Bengel made a motion, seconded by H. Werkheiser, to schedule and advertise a special Board of Supervisors meeting for Monday, December 30, 2013 at 6:00 p.m. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Tanalo Estates – Professional Services Agreement. F. Froio advised that a Professional Services Agreement had been received with respect to the Tanalo Estates project. H. Bengel made a motion, seconded by H. Werkheiser, to approve entry into a Professional Services Agreement with respect to Tanalo Estates. 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 December 16, 2013. Approved bill payments: **GENERAL FUND: \$319,398.30; PARK FUND: \$215.26; DEBT SERVICE: \$15,234.94.** Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**APPROVAL OF MINUTES:**

H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the December 2, 2013 Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, abstained; F. Hess, yes. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Diane Zweifel asked about her letter of interest concerning the vacancy on the Zoning Hearing Board. F. Froio advised that the letter had been received and assumed that it would be considered by the new Board of Commissioners when they met to make appointments.

**PUBLIC COMMENT:**

None.

**EXECUTIVE SESSION:**

J. Durney announced that there would be a brief Executive Session immediately following the meeting in order to discuss litigation matters. No action would be taken on the matters at tonight's meeting.

**ADJOURNMENT:**

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 8:44 p.m., until December 30, 2013 at 6:00 p.m. at the Pocono Township Municipal Building. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.