

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
March 19, 2012**

MINUTES

Chairman Frank Hess opened the meeting at 7:02 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: F. Hess, Chairman; H. Bengel, Supervisor; Frank Froio, Township Administrator; David Horton, Township Engineer; Jon Tresslar, Township Engineer; Jeffrey Durney, Township Solicitor

Absent: H. Werkheiser, Vice Chairman

ANNOUNCEMENTS/CALENDAR:

HJP Park Meeting on March 23, 2012 at 11:00 a.m.

Planning Commission Meeting on March 26, 2012 at 7:00 p.m.

Board of Supervisors Regular Meeting April 2, 2012 at 7:00 p.m.

Board of Supervisors Work Session (Spirit of Swiftwater Project) on March 22, 2012 at 8:30 a.m. (**TENTATIVE**)

PUBLIC COMMENT:

None.

ENGINEER'S REPORT:

CBH20 (Camelback) Mountain Coaster Waiver Request – D. Horton explained generally the nature of the proposed project and the waiver request. Nate Oiler, Applicant's engineer, provided further detail regarding the project, including copies of the plans and photographs. The Applicant is proposing to construct a mountain coaster ride at the existing ski area property. The coaster will travel on rails mounted on an above-ground track. The Applicant submitted a request for modification under SALDO Article 2 permitting the Improvement Plan be accepted and that the Land Development Plan application requirements be waived for the project. The Applicant's master plan of improvements was approved by the Township in 1998 and the plan has been provided for several prior projects as a permit plan for proposed improvements and rides. The Applicant also sought two requests for modifications with respect to Stormwater Management: (1) Ordinance 138, Article IV, Section 402.A.4 – requesting an exemption given the small impervious area being proposed (0.016 acres or 697 square feet) and the limited earth disturbance for the project; and (2) Ordinance 138, Section 303.I.6 – requesting a modification of the wetland buffer requirements with respect to areas beyond

the 50 foot buffer that might otherwise be required due to areas of steep slope. (The area where an additional 50 foot buffer is required because of steep slopes is an existing ski slope area.) D. Horton advised that he did not have any concerns regarding the requests. Additional discussion followed. H. Bengel made a motion, seconded by F. Hess, to grant the Requests for Modification as set forth in D. Horton's letter of March 16, 2012. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

Dairy Queen Chill & Grill Restaurant – Preliminary/Final Approval. D. Horton provided an overview of the project and the status of the application. D. Horton further advised that the Planning Commission had recommended approval of the Preliminary/Final Plan. Brick Linder, Applicant's engineer, provided a detailed presentation regarding the Plan. F. Hess questioned whether the entrance on Learn Road would create traffic issues. Mr. Linder advised that a complete traffic impact study had been performed and that the Applicant had received all necessary approvals from PennDOT. There was a discussion concerning the secondary waste disposal system for the property. Mr. Linder advised that an on-lot septic system was designed and approved as the primary system and that the public sewer was the secondary system. Mr. Linder advised that DEP had approved the waste disposal plan. There were several comments and questions from the audience and an extended discussion followed. Mr. Horton advised that he did not have any concerns with the Plan. H. Bengel made a motion, seconded by F. Hess, to approve the Preliminary/Final Land Development Plan and Lot Consolidation subject to all normal and customary conditions, including: (i) all outside agency approvals, (ii) payment of professional fees, (iii) entry into a Developer's Agreement and provision of appropriate security, and (iv) extinguishment of the easements in accordance with Note 4 of the Plan. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

Dairy Queen Chill & Grill Restaurant – Planning Module Approval. F. Hess made a motion, seconded by H. Bengel, to adopt a Resolution to accept the Planning Module for submittal to DEP for approval as a revision to the Official Facilities Plan – Act 537. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried. (RESOLUTION NO. 610)

Classic Quality Homes Wetland Buffer Modification Request – D. Horton explained the request for a wetland buffer modification with respect to Maeve Manor, Lot 13, Section 2, Bon Sher Drive. The Applicant's previous application had been denied by the Board at its March 5, 2012 meeting. The Applicant moved the position of the house outside of the wetland buffer and resubmitted a revised application. The Applicant sought a modification of the wetland buffer to enable the homeowner to plant grass or other landscaping within the 50 foot buffer. A lengthy discussion followed. H. Bengel suggested a 15 foot encroachment into the wetland buffer for plantings or landscaping, with structures within the buffer remaining prohibited. Applicant's representative indicated that these limitations were acceptable. H. Bengel made a motion, seconded by F. Hess, to grant the wetland buffer modification to the extent of a 15 foot encroachment for purposes of grass, a garden or landscaping only with no structures being permitted to encroach on the wetland buffer. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

SOLICITOR’S REPORT:

E-911 Street Sign Ordinance. J. Durney advised that an ordinance has been prepared and is ready to be advertised for a hearing. H. Bengel made a motion, seconded by F. Hess, to authorize the public notice of a hearing on the proposed ordinance. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

Sanofi Pasteur Discovery Drive Widening Project – Time Extension Request – Pursuant to a letter dated March 7, 2012, Sanofi requested a time extension to March 30, 2012. The date of the extension appears to have been a scrivener’s error, as action on the plan was required at the present meeting. The Planning Commission recommended approval of the request. J. Durney recommended that the Plan be rejected subject to receipt of a corrected time extension request to be received by the Township by March 30, 2012. H. Bengel made a motion, seconded by F. Hess, to deny the Plan subject to receipt of a revised time extension request from the Applicant by March 30, 2012. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

Kopelson Minor Subdivision Plan Time Extension Request – Pursuant to a letter dated March 8, 2012, the Applicant requested a time extension with respect to the Plan. The Planning Commission recommended that the Supervisors accept the time extension letter. H. Bengel made a motion, seconded by F. Hess, to grant the time extension request as set forth in Applicant’s March 8, 2012 letter. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

Northampton Community College Waiver Request – Jamie Keener, Applicant’s engineer, presented NCC’s request for a modification of Section 3.209.B.5&6 of the SALDO concerning steep slope easements. Mr. Keener explained that the undisturbed steep slopes are located at various locations on the site and it was not practical to include them in a contiguous easement area. In lieu of providing an easement around 65% of the steep slopes on the site (which would require a 4.7 acre easement), NCC proposed a larger conservation easement area encompassing 13.3 acres that would include most, but not all, of the undisturbed steep slopes. The alternative easement is nearly 3 times what would be required by strict compliance with the SALDO. Discussion followed. The Planning Commission recommended that the Supervisors approve the waiver request. J. Tresslar commented favorably on the request referencing that the larger conservation easement area meets the intent of the ordinance to protect environmentally sensitive areas. H. Bengel stated that he favored the greater protections offered by the increased easement area. H. Bengel made a motion, seconded by F. Hess, to grant requested modification. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

ADMINISTRATOR’S REPORT:

Pocono Township Pension Plans – State Auditors Report – F. Froio reported on the compliance audit reports of the Pocono Township Pension Plans for the period of January 1, 2008 to December 31, 2010. Mr. Froio advised that the plans were fully funded. The audit disclosed that there was an overpayment of state aid to the Township in the amount of \$920 based upon an overstatement of payroll. Mr. Froio is following up with the

auditors to determine the nature and timing of the overpayment. The Township will be required to refund the overpayment with interest.

Township Spring Clean-Up Days: The Township has scheduled clean-up days for April 19th and 20th. F. Hess advised that in an effort to save overtime expenses and because attendance on Saturday last year was low, the Township will have clean-up days on Thursday and Friday only. A discussion followed about the hours for the clean-up days. F. Hess advised that he would follow-up with the Township workers regarding the hours and request that they be willing to schedule their work hours on these days to insure adequate coverage while minimizing any overtime requirements.

PAYMENT OF BILLS:

H. Bengel made a motion, seconded by F. Hess, to approve the semi-monthly bills. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by F. Hess, to approve the invoices from Cramer Swetz & McManus for legal services regarding the sewer system. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by F. Hess, to approve the invoices from RKR Hess Associates for engineering services regarding the sewer system. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

APPROVAL OF MINUTES:

H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the 3/5/2012 Regular Meeting. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

PUBLIC COMMENT:

A question was raised concerning the status of the sewer project. F. Hess advised that the project was continuing and there is less than a mile of pipe remaining to be completed. F. Hess further advised that the Township is working on a solution to bypass the problem area created by the contractor. F. Hess stated that if all the pumping stations are operational, there may be limited hook-up available in the fall of 2012. F. Hess explained that pump station #5 is not yet ready to operate.

A question was raised regarding the status of the police contract negotiations. F. Hess advised that an informal meeting between the parties was scheduled for March 21, 2012.

A question was raised regarding the variance request of Vincent Trapasso regarding the construction of a fuel station, including the location of the property. F. Hess identified the location of the property and advised that the variance request was before the Zoning Hearing Board.

EXECUTIVE SESSION:

H. Bengel made a motion, seconded by F. Hess, to adjourn to Executive Session to discuss personnel matters. Roll call vote: H. Bengel, yes; F. Hess, yes.

ADJOURNMENT:

H. Bengel made a motion, seconded by F. Hess, to adjourn the meeting at 8:23 p.m., until 4/2/2012, at 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: H. Bengel, yes; F. Hess, yes. Motion carried.