

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
April 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; David Horton, Township Engineer; Jeffrey Durney, Township Solicitor

ANNOUNCEMENTS/CALENDAR:

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

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

Zoning Hearing Board meets on April 24, 2013 at 5:00 p.m.

HJP Park Meeting on May 2, 2013 at 11:00 a.m.

Spring Clean-Up on April 25-27, 2013 at 7:30 a.m. to 3:00 p.m.

Board of Supervisors Meeting on May 6, 2013 at 7:00 p.m.

PUBLIC COMMENT:

None.

ENGINEER'S REPORT:

Tanalo Estates Major Subdivision Plan – Time Extension Request. D. Horton advised that the action deadline on the application will expire at the end of April. The Applicant has not yet satisfactorily addressed the outstanding engineer comments. D. Horton advised that he spoke to the Applicant and they indicated that a time extension request would be submitted. D. Horton recommended that if the time extension request was not received on or before April 30th, the plan should be denied based upon the failure to satisfactorily address the engineering comments. H. Bengel made a motion, seconded by H. Werkheiser, in the event that a time extension letter is not received by the action deadline that the plan be denied based upon the failure to satisfactorily address the outstanding engineering comments. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

SOLICITOR'S REPORT:

Pocono Township Floodplain Management Ordinance 2013-02. J. Durney advised that consideration of the Floodplain Management Ordinance had been continued from the Board's meeting on April 1, 2013. J. Durney provided an overview of FEMA's new Flood Insurance Rate Map for Monroe County that will become effective on May 2, 2013. In order to avoid suspension from the National Flood Insurance Program, the Township was required to adopt an updated FEMA-compliant floodplain management ordinance by this date. The Township used the state-approved model ordinance, which contains the minimum acceptable provisions necessary in order to comply with FEMA's requirements. The Township had its draft ordinance approved by both the Monroe County Conservation District and the Department of Community and Economic Development, as required. The ordinance was now ready for consideration for adoption by the Board. J. Durney advised that if the ordinance was not approved and the Township was suspended from the National Flood Insurance Program, residents who own property within the floodplain would, among other things, not be able to obtain federally-backed mortgages or home equity loans and the Township would be ineligible to receive access to disaster assistance and federal grants. Once adopted, the ordinance would be sent to FEMA for final review and approval. There was extended discussion concerning the ordinance. Several residents questioned whether the Township could have taken action in order to minimize the impact of the new FEMA designations. There were suggestions that the Township should have taken a more active role in the process and better communicated the potential impacts with residents. There was a discussion about the possibility of mitigating the impacts of the FEMA designations. J. Durney advised that there is a procedure by which a property owner may appeal to FEMA. F. Hess advised that despite the Township's advertisement and offer to assist residents in determining how the new maps would affect their properties, only a few residents came to the Township office to discuss the maps. H. Bengel made a motion, seconded by F. Hess, to adopt Ordinance 2013-02 (Floodplain Management Ordinance). Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried. **ORDINANCE NO. 2013-02.**

Tracy DeHaven – Authorization to Advertise Conditional Use Hearing. J. Durney advised that the conditional use hearing deadline was May 5, 2013 and that the Board would need a 1 day extension from the applicant in order to hold the hearing at the Board's regularly scheduled meeting on May 6, 2013. F. Froio advised that he spoke with the Applicant's attorney, who indicated consent to the extension. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of the conditional use hearing for Tracy DeHaven on May 6, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Trap Enterprises, LLC – Authorization to Advertise Conditional Use Hearing. J. Durney advised that the Applicant's attorney consented to scheduling the hearing on the Board's regularly scheduled meeting on May 20, 2013. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of the conditional use hearing for Trap Enterprises on May 20, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Pocono Alliance – Release Letter. J. Durney advised that Pocono Alliance had requested a letter from the Township indicating that once the Crossing Abilities playground was installed, the Township would release Pocono Alliance from any future liabilities including maintenance. H. Werkheiser objected stating that he understood that the Crossing Abilities playground would not cost the Township any money. Judi Coover questioned whether there would be any additional liability on the Township or any increase in its insurance rates as a result of the nature of the expected users of the playground. There were additional questions concerning the cost to the Township related to the installation of the playground equipment. There was also a discussion concerning a commitment made by Pocono Alliance to place money in escrow for future maintenance obligations. There was a further discussion concerning the project, its history and the approval process. A recommendation was made to make certain that any installation is performed by a certified installer. The Board took no action on the request, indicating that it would seek further information.

ADMINISTRATOR’S REPORT:

Gerald Gay – Professional Services Contract. F. Froio advised that a Professional Services Contract for Gerald Gay had been submitted with respect to a stream relocation and was ready for Board approval and signature. H. Bengel made a motion, seconded by H. Werkheiser, to approve Professional Services Contract for Gerald Gay. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

PAYMENT OF BILLS:

H. Bengel made a motion, seconded by F. Hess, to approve payment of the semi-monthly bills on the Bill Payment List dated April 15, 2013 (GENERAL FUND: \$139,991.73; PARK FUND: \$18,441.33; DEBT SERVICE: \$3,477.01; EMERGENCY SERVICES: \$25,000.00). Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

APPROVAL OF MINUTES:

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

OLD BUSINESS:

Public Works/Roadmaster Job Description. H. Bengel made a motion to adopt the job description for the position of Director of Public Works. An extended discussion followed. H. Werkheiser and others recommended that the job description should require a CDL license and that the holder of the position be able to operate any equipment that is owned by the Township. After a request was made, H. Bengel read the draft job description aloud for the benefit of the residents. Judi Coover, who participated in drafting a proposed job description advised that she felt the job description was appropriate with a few revisions, including the inclusion of a CDL requirement. F. Hess seconded the motion. There was further discussion concerning the job description and whether it emphasized administrative/managerial tasks more than hands-on operations.

The original motion was withdrawn. H. Bengel made a motion, seconded by H. Werkheiser, to approve the job description for the position of Director of Public Works with the addition of requirements of a CDL Class A license and the ability to operate all equipment owned by the Township. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by F. Hess, to authorize the advertisement of the Director of Public Works position. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

NEW BUSINESS:

None.

PUBLIC COMMENT:

Judi Coover asked that the Township not ban burning in connection with the recycling ordinance. There was a discussion about the recycling grant and proposed ordinance. F. Hess advised that there was still work to be done before any ordinance is proposed.

Jane Cilurso questioned the legality of H. Bengel's resignation.

Charlie Cilurso asked additional questions about the Crossing Abilities playground and the donation made by the Lions Club.

There was a discussion about the ambulance corps and the allocation of expenses among Pocono, Jackson and Hamilton Townships. F. Hess advised that discussions were continuing.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn at 9:00 p.m., until May 6, 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.