

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
April 16, 2012**

MINUTES

Chairman Frank Hess opened the meeting at 7:01 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: F. Hess, Chairman; H. Werkheiser, Vice Chairman; H. Bengel, Supervisor; Frank Froio, Township Administrator; D. Horton, Township Engineer; J. Tresslar, Township Engineer; Jeffrey Durney, Township Solicitor

ANNOUNCEMENTS/CALENDAR:

Board of Supervisors Work Session (DEP – Yuhus Dump Site) on April 18, 2012 at 8:30 a.m.

Planning Commission Meeting on April 23, 2012 at 7:00 p.m.

Sewer Meeting on May 2, 2012 at 6:00 p.m.

Board of Supervisors Regular Meeting on May 7, 2012 is cancelled due to the attendance of the Supervisors at the PSATS convention

Park Meeting on May 9, 2012 at 7:30 a.m. at Mountain View Park

Board of Supervisors Work Session (Authorization of bill payment and any other business) on May 9, 2012 at 8:30 a.m.

Board of Supervisors Regular Meeting May 21, 2012 at 7:00 p.m.

F. Hess announced a burning ban effective as of April 17, 2012

PUBLIC COMMENT:

None.

ENGINEER'S REPORT:

Northampton Community College – SALDO Waiver. J. Keener, the College Engineer, presented a request for a waiver of SALDO Section 2.302D.5.a requiring the submission of a “will serve” letter in support of preliminary plans dependent upon public sewer service. J. Durney advised that the College’s waiver request was consistent with a proposed Ordinance that would provide for the requested relief subject to the execution by the developer of an Indemnification and Hold Harmless Agreement in favor of the Township. H. Bengel made a motion, seconded by H. Werkheiser, to grant the waiver

from the SALDO subject to the College executing the Indemnification and Hold Harmless Agreement in favor of the Township. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Northampton Community College – Preliminary Plan Approval. J. Keener, the College’s Engineer, reviewed the preliminary plan and provided a detailed response to the April 9, 2012 review letter from the Township Engineer. J. Tresslar indicated that the College had satisfactorily addressed the comments in his review letter subject to the submission of additional follow-up information confirming the representations made by the College. At the request of the Supervisors, the College agreed to extend the surfacing of Railroad Avenue to the end of the property line. J. Tresslar indicated that it was appropriate to approve the Preliminary Plan at this time. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Preliminary Land Development Plan subject to all normal and customary conditions, including: (i) all outside agency approvals, (ii) payment of professional fees, (iii) satisfaction of all outstanding Engineer’s and Solicitor’s review comments, and (iv) entry into a Developer’s Agreement and provision of appropriate security. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Northampton Community College – Time Extension Request. Based upon the approval of the Preliminary Plan, the time extension request was moot.

Tanalo Estates Major Subdivision Plan – Cherry Lane Church Road Speed Limit Request. D. Horton advised that the developer had requested that the Township approve the posting of a 25 m.p.h. speed limit on Cherry Lane Church Road. No representative from the applicant was present in support of the application. H. Bengel made a motion, seconded by H. Werkheiser, to table the request for the posting of the speed limit on Cherry Land Church Road. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Tanalo Estates Major Subdivision Plan – Time Extension Request. Pursuant to a letter dated April 6, 2012, the Applicant requested a 90-day time extension to August 17, 2012. The Planning Commission recommended approval of the request subject to this being the final extension granted and the Applicant’s cure of any of its escrow and review fee arrearages. H. Bengel made a motion, seconded by H. Werkheiser, to grant the time extension request as set forth in Applicant’s April 6, 2012 letter subject to this being the final extension granted and the Applicant’s cure of any of its escrow and review fee arrearages. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

SOLICITOR’S REPORT:

Street Sign Ordinance (E-911 Addressing) – PUBLIC HEARING. J. Durney advised that a public hearing had been advertised and was ready to commence. There was extended discussion and public comment concerning the terms of the Ordinance. After consideration, the Board decided to table consideration of the ordinance to the Board’s next regularly scheduled meeting in order to review certain provisions. H. Bengel made a

motion, seconded by H. Werkheiser, to table consideration of the adoption of the ordinance and continue the hearing to the next regularly scheduled Board meeting on May 21, 2012. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

The Reserve at Bryson's Farm Major Subdivision Plan – Time Extension Request. Pursuant to a letter dated April 4, 2012, the Applicant requested a time extension to July 23, 2012. The Planning Commission recommended approval of the request. H. Werkheiser made a motion, seconded by H. Bengel, to grant the time extension request as set forth in Applicant's April 4, 2012 letter. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewer Contract No. 16 – Authorization of R.K.R. Hess to Issue a Notice of Intent to Award Sewer Contract No. 16. J. Durney advised that after a bidding process, R.K.R. Hess had identified the lowest responsible bidder, Carson & Roberts Site Construction and Engineering, Inc. of Lafayette, New Jersey, for the HDPE Sewer Mapping project. The amount of the low bid was \$52,000.00. H. Werkheiser made a motion, seconded by H. Bengel, to authorize R.K.R. Hess to issue a Notice of Intent to Award Sewer Contract No. 16. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Ordinance Amending SALDO – Authorization to Advertise Hearing. J. Durney advised that an ordinance addressing protocol for new land development projects that are based on connection to the public sewer system has been prepared and is ready to be advertised for a hearing. The SALDO requires that Plans dependent upon public sewer service must include a “will serve” letter stating that the company or authority can adequately serve the proposed development. The SALDO further provides that following Preliminary Plan approval, the Township will submit the relevant planning modules to DEP for review. Because the Township's sewer system is not yet on line, developers cannot obtain “will serve” letters and the Supervisors cannot sign off on the planning modules, which has the effect of placing projects in limbo until the sewer system is operational. The proposed ordinance seeks to address this issue by: (i) Adding a new subsection to the SALDO that covers situations where the development is to be served by the Pocono Township sewer system that is not yet currently available. The developer would need to depict the proposed sewerage system on the plan and submit a “will serve” letter prior to Final Plan approval. Preliminary Plan approval would remain conditional until this requirement is satisfied. Final Plan approval would also remain contingent upon the developer receiving all necessary approvals by the DEP and any other appropriate agencies, and (ii) Requiring the developer to execute an Indemnification and Hold Harmless Agreement with the Township that would, in pertinent part, require the developer to acknowledge that it is proceeding with an application based upon the sewer system that is not yet available and that it is proceeding at its own risk. The developer will further be required to acknowledge that it is proceeding with the development without any guarantee from the Township as to if and when sewer service will be available and that the Township will not be in any way responsible for any delays or problems that may be encountered as a result. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the public

notice of a hearing on the proposed ordinance. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sheldon Kopelson Proposed Ordinance Amendments – Authorization to Advertise Hearing. J. Durney advised that Mr. Kopelson submitted a request for a June 4, 2012 hearing on the proposed ordinance amendments set forth in the letter of his attorney dated March 22, 2012. At least one member of the Planning Commission is unavailable on June 4th. After discussion, it was agreed to attempt to schedule the hearing for June 18, 2012. J. Durney advised that he would follow-up with Mr. Kopelson’s attorney. H. Werkheiser made a motion, seconded by H. Bengel, to authorize the advertisement of the hearing for June 18, 2012. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Appointment of Assistant Treasurer. J. Durney advised that the Board wished to consider the appointment of F. Froio as Assistant Treasurer. F. Hess explained that given the schedules of H. Werkheiser and H. Bengel, it would be helpful to have another person available to sign checks and authorized to review the Township’s online banking records. The goal was to improve the efficiency of the Township’s administration. F. Froio would not receive any additional compensation as Assistant Treasurer. H. Bengel made a motion, seconded by H. Werkheiser, to appoint F. Froio as Assistant Treasurer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

ADMINISTRATOR’S REPORT:

None.

PAYMENT OF BILLS:

H. Bengel made a motion, seconded by H. Werkheiser, to approve the semi-monthly bills on the Bill Payment List dated April 13, 2012. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

APPROVAL OF MINUTES:

H. Werkheiser made a motion, seconded by F. Hess, to approve the minutes of the 4/2/2012 Regular Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by F. Hess, to approve the minutes of the 3/7/2012 Sewer Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, abstained; F. Hess, yes. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

PUBLIC COMMENT:

There was a discussion regarding the status of the sewer project. F. Hess explained the current projections regarding usage and some of the Board's concerns. There has been a reduction in the projected usage of the sewer system as a result of the economic downturn. F. Hess advised that the Township's taxing authority was pledged as collateral to the sewer project. F. Hess advised that it is important to get additional businesses on the sewer line. This increase in usage could occur by extending the sewer line to other properties whose owners have expressed interest in hooking in to the sewer line, but which are not in the current service area.

There was a brief discussion regarding the Yuhas dump site. Residents were encouraged to attend the Supervisors' work session on April 18, 2012 at which the DEP would provide details on the proposed plan to remediate the site.

F. Hess provided a brief update concerning the police contract negotiations.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 9:05 p.m., until 5/21/2012, 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.