

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
April 1, 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 10, 2013 at 6:00 p.m.

Planning Commission Meeting on April 8, 2013 at 7:00 p.m.

Zoning Hearing Board meets on April 10, 2013 at 5:00 p.m. (Bangiyev hearing)

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

Board of Supervisors Meeting on April 15, 2013 at 7:00 p.m.

PUBLIC COMMENT:

None.

SPECIAL PRESENTATION: 2012 Township Financial Review

F. Hess advised that a review of the Township's financial performance had been prepared to answer questions that had been raised by residents. A comparison of the financial performances from prior years was also prepared. Debbie Borger, the Township's accountant, was present to answer any questions. F. Froio presented a chart reflecting the Township's General Fund Receipts and Disbursements for the years 2009, 2010, 2011 and 2012. In 2009, the Township had a deficit of revenues over expenditures in the amount of \$431,760; in 2010, the Township had a deficit of revenues over expenditures of \$165,367; in 2011, the Township had a deficit of revenues over expenditures of \$360,272; in 2012, the Township had a surplus of revenues over expenditures of \$1,018,837. F. Froio provided details regarding the financial turn-around experienced in 2012, including some of the increased revenue sources and costs savings. There was an extended discussion, including numerous questions from residents. D. Borger provided confirmation that the surplus was "cash in the bank" and explained the process behind bank reconciliations. There was also a discussion concerning supplemental appropriations and adjustments that can be made to the budget during the year.

ENGINEER'S REPORT:

Winchell/Griffiths & Sager Lot Line Adjustment – D. Horton advised that the Applicant had addressed all comments in the engineer review letter. D. Horton further advised that at its February 25, 2013 meeting, the Planning Commission recommended that the lot line adjustment be approved. Brian Courtright was present on behalf of the Applicant and provided detail regarding the requested lot line adjustment. The Applicant was seeking one Request for Modification from Section 2.305(d)(15) of the SALDO such that no wetland study would be required. D. Horton advised that since there were no new impervious surfaces contemplated and the application simply sought a lot line adjustment to accommodate access and parking, the RFM was appropriate. D. Horton advised that because a portion of the property is located in Hamilton Township, the Applicant would also need the approval from Hamilton Township in order to proceed. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Request for Modification and the Lot Line Adjustment plan subject to the Applicant receiving a comparable approval from Hamilton Township. 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 the effective May 2, 2013, FEMA's new Flood Insurance Rate Map for Monroe County would become effective. 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 May 2nd. 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 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. There was extended discussion concerning the ordinance and the impacts that the new FEMA maps would have upon property owners within the Township. Several residents expressed their concerns that the new FEMA maps and requirements would prohibit development of their properties. H. Werkheiser stated that his property would be substantially impacted. F. Hess indicated that he would seek a meeting with the Monroe County Conservation District concerning the impacts of the new FEMA maps. F. Hess also advised that D. Horton would be available to meet with residents to review the FEMA maps and the impact on their individual properties. H. Bengel made a motion, seconded by H. Werkheiser, to continue the consideration of the Floodplain Management Ordinance to the Board's April 15, 2013 meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Nyles & Kitty Possinger – Consideration of Change of Assessment Property Number. J. Durney advised that a letter had been received from the attorney for Nyles and Kitty Possinger concerning their property located off Rimrock Drive (Tax Code No.

12/9/1/74). While the property is located entirely within Hamilton Township, the property still bears a Pocono Township assessment number. The parcel had at one time been located partially in Pocono Township, but the portion of the property that had been in Pocono Township was taken for the construction of Interstate 80. There was an apparent oversight in not changing the assessment number to Hamilton Township. H. Bengel made a motion, seconded by H. Werkheiser, to approve the request to advise the Monroe County Assessor's Office that the Township consents to the change in the assessment number to reflect that the property is located entirely within Hamilton Township. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Henryville Inn, LLC – Zoning Map Amendment Request. J. Durney advised that the Township had received a request from Henryville Inn, LLC, the owner of the former Meadowbrook Inn property, to amend the Zoning Map with respect to a portion of the property. Specifically, the former Inn and restaurant are located in the R-1 district, while the parking lot and other rental units are located in the RD district. The request is that the entire property be located in the RD district. J. Durney advised that the next procedural step would be to refer the application to the Township Planning Commission and the Monroe County Planning Commission for their review. H. Bengel made a motion, seconded by H. Werkheiser, to refer the application of Henryville Inn, LLC for a zoning map amendment to the Township Planning Commission and the Monroe County Planning Commission for review and comment. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Resolution No. 2013-07 – Consideration of MPO for Transportation Planning. J. Durney advised that at its meeting on January 23, 2013, the Board approved Resolution No. 2013-03. Subsequent to the approval of this Resolution, Wayne County was removed from the MPO. As a result, the County advised that a new Resolution was necessary to reflect that the MPO would now consist of four counties rather than five. H. Bengel made a motion, seconded by H. Werkheiser, to rescind Resolution No. 2013-03 and approve Resolution No. 2013-07 to create a Metropolitan Planning Organization coordinated by the Northeastern Pennsylvania Alliance. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. RESOLUTION NO. 2013-07.

ADMINISTRATOR'S REPORT:

Local Share Account Grant – Consideration of Contract Approval. F. Froio advised that the contract for the grant received by the Township in the amount of \$130,000 for the Stadden Road bridge repair had been reviewed and was ready for approval. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Local Share Account Grant contract. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Council of Governments (COG) – Appointment of Member. F. Froio advised that the Board needed to appoint a Member to the Council of Governments. H. Werkheiser advised that he had served for five years and would look to another member to serve. H. Bengel volunteered that he would serve. F. Hess made a motion, seconded by H.

Werkheiser, to appoint H. Bengel as the Township's representative on the Council of Governments. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Township Website – Consideration of Proposal to Update/Upgrade. F. Froio advised that the Township had received a proposal from Trump Media to update and upgrade the Township's website. F. Froio advised that there is a consensus that this project is necessary and explained the benefits to be provided by the upgrade, including better and more user-friendly access by the public. The Parks and Recreation Department supports the proposed upgrade and offered to pay one-half of the cost from its budget. H. Bengel made a motion, seconded by H. Werkheiser, to approve the proposal from Trump Media to update and upgrade the Township's website at a cost of \$2,000. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Budget Update – 2013 Year-to-Date. F. Froio provided an update on the budget results through March. By consensus, the Board agreed to post the year-to-date budget results on the Township's website.

Nature Conservancy – Request for Letter of Support. F. Froio advised the Township had received a request from The Nature Conservancy for a letter of support of the Conservancy's efforts to protect the David and Lisa Weiss 110 acre property which encompasses a portion of the Tannersville Cranberry Bog. The property is located between lands owned by the Nature Conservancy and the Township. H. Bengel made a motion, seconded by H. Werkheiser, to approve sending a letter of support to The Nature Conservancy in connection with its efforts to protect the Weiss property and the Tannersville Cranberry Bog. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewer Meeting – Authorization to Advertise. F. Froio advised that since the Sewer Meeting was being moved to April 10, 2013, it would be necessary to advertise the changed meeting date. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the change in the Sewer Meeting date. 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 April 1, 2013 (GENERAL FUND: \$81,626.51; PARK FUND: \$43.97; DEBT SERVICE: \$8,164.24). 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 March 4, 2013 Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to approve the minutes of the March 19, 2013 Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

OLD BUSINESS:

Judi Coover asked when the Board would be considering the job description for the Director of Public Works position. F. Hess advised that he had just received comments from one of the Board members late the prior week. F. Hess indicated that the Board would consider the job description for approval at its April 15, 2013 meeting. J. Coover asked whether the public would have an opportunity to review the proposed job description before the meeting. F. Hess advised that he did not intent to distribute the job description ahead of time. There was an extended discussion regarding the job description and the process by which a new employee would be hired.

Monica Gerrity asked whether there had been a meeting regarding the contributions to be made by Hamilton Township to the ambulance corps. F. Hess advised that there was a meeting and that Hamilton Township would begin contributing.

NEW BUSINESS:

None.

PUBLIC COMMENT:

There was additional discussion concerning the proposed Floodplain Ordinance and the new FEMA maps.

There was a discussion about the Yuhas property. F. Hess advised that the property had been purchased and that DEP was continuing its efforts to proceed with the remediation of the property through discussions with the new owner.

There was a question about the Friendly's trailer located at the Exxon station. J. Durney advised that the Zoning Officer had issued a notice of violation.

EXECUTIVE SESSION:

J. Durney announced that the Board needed to meet in Executive Session in order to discuss several real estate matters. H. Bengel made a motion, seconded by H. Werkheiser, to adjourn to Executive Session at 8:50 p.m. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

The meeting resumed at 9:23 p.m. J. Durney advised that in the Executive Session the Board discussed the acquisition of the Jakubowitz property located on Sullivan Trail and certain real estate matters concerning the Northampton Area Community College project.

There was a discussion concerning the Jakubowitz property. The property contains 56 acres and is adjacent to Mountain View Park. The property would be purchased with open space grant monies. The property was appraised at a price of \$700,000, which would be the purchase price offered to Mr. Jakubowitz. Any purchase would be

expressly subject to the Township's receipt of grant monies in the amount of not less than \$700,000. There was a discussion about the property and its use in expanding Mountain View Park. Several residents offered their comments in support of the Township's acquisition of the property and protection of the open space.

H. Bengel made a motion, seconded by H. Werkheiser, to approve submission of an offer to Robert Jakubowitz to purchase the 56 acre parcel for \$700,000, contingent upon the Township receiving not less than \$700,000 in grant monies to complete the purchase. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to approve submission of the grant applications with respect to obtaining the funds to purchase the Jakubowitz property. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to approve a resolution authorizing the Chairman to sign the Grant Agreement signature page. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn at 9:43 p.m., until April 15, 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.