

**POCONO TOWNSHIP SUPERVISORS  
REGULAR MEETING  
May 21, 2012**

**MINUTES**

Chairman Frank Hess opened the meeting at 7:04 p.m.

A moment of silence was observed for James McCloud, a dedicated volunteer with the Ambulance Corps, who recently passed away.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**ANNOUNCEMENTS/CALENDAR:**

Zoning Hearing Board Hearing (McFadden) on May 22, 2012 at 6:00 p.m.

Planning Commission Meeting on May 28, 2012 (**Cancelled due to Memorial Day holiday**)

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

Board of Supervisors Regular Meeting on June 4, 2012 at 7:00 p.m.

**PUBLIC COMMENT:**

None.

**SPECIAL PRESENTATION:**

The Board wished to recognize the many years of service by Scott Ewing, Chairman of the Planning Commission. H. Bengel made a motion, seconded by H. Werkheiser, to adopt Resolution No. 616 expressing the appreciation of the Township to Scott Ewing for his years of service. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**ENGINEER'S REPORT:**

The Village at Iroquois Ridge Major Subdivision Preliminary Plan – Request for Modification. Jamie Keener, Applicant's Engineer, presented a request for a waiver from §2.101 of the SALDO requiring that a minor subdivision plan be submitted for the transfer of the strip of land from Stephen J. Bacik and Marie Bacik to the Applicant. The request was necessary to facilitate the Applicant obtaining PennDOT approval of its HOP application, which is a condition precedent to final plan approval. The Applicant must show present ownership of two five (5) foot strips of land fronting Sullivan Trail, as this

land must be conveyed to PennDOT for road widening. The strip of land will not become a stand-alone parcel and, until such time as it is conveyed to PennDOT, will be joined to the Applicant's neighboring parcel. D. Horton and J. Durney both advised that they were satisfied that the request should be granted. H. Bengel made a motion, seconded by H. Werkheiser, to grant the modification from §2.101 of the SALDO consistent with Applicant's Request for Modification. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

#### **SOLICITOR'S REPORT:**

Adams Outdoor (D'Amico/Winds West) – Digital Sign Presentation – Lois Arciszewski from Adams Outdoor made a presentation regarding an upcoming application that the company intends to make regarding the replacement of certain non-conforming billboards with digital signs. The two properties on which the digital signs are proposed are owned by D'Amico and Winds West. Ms. Arciszewski explained the differences between existing on-premises signs and the off-premises digital signs. Ms. Arciszewski also advised that the company would make its digital signs available for community advertising (e.g., burn ban, community events, etc.) and emergencies (e.g., accidents, Amber Alerts, etc.). Adams Outdoor anticipates filing an application with the Zoning Hearing Board regarding the replacement of the non-conforming signs with digital signs.

Sewerage System – Authorization to Issue Notice of Intent to Award Propane Tank Contract – J. Durney advised that after a bidding process, R.K.R. Hess, the Township's Sewer Engineer, had identified the lowest responsible bidder, Amerigas Propane, for the propane tank contract. The amount of the low bid was \$17,095.50. H. Werkheiser made a motion, seconded by H. Bengel, to authorize R.K.R. Hess to issue a Notice of Intent to Award the Propane Contract. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewerage System – Authorization of Payment Application No. 4 of the PennVEST \$8.3M Loan – J. Durney advised that R.K.R. Hess recommended approval and authorization of Payment Application No. 4 to be drawn in the amount of \$1,577,748.45 to be applied toward the Township's share of Capital Contribution to the Joint Wastewater Treatment Plant. H. Bengel made a motion, seconded by H. Werkheiser, to authorize Payment Application No. 4. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewerage System – Horizontal Directional Drill Bypass Pipe and Manhole Materials Bid – R.K.R. Hess requested authorization to advertise for two material supply contracts related to the proposed Horizontal Directional Drill Bypass Project. H. Bengel made a motion, seconded by H. Werkheiser, to authorize R.K.R. Hess to advertise for the material supply contracts for the Horizontal Directional Drill Bypass Project. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Consideration of Approval of Audit Agreement for F/Y 2011 – J. Durney advised that the Township had received a proposed audit agreement from Julian Kirk, C.P.A. to perform the audit for 2011. F. Hess and H. Werkheiser both wished to conduct further research

on the pricing of the audit by J. Kirk and other accountants. H. Bengel made a motion, seconded by H. Werkheiser, to table the consideration of the audit agreement. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Ordinance Amending SALDO re Proceeding with Land Development Plans in the Absence of Will Serve Letter – **PUBLIC HEARING**. J. Durney advised that a public hearing had been advertised and was ready to commence. J. Durney explained that the proposed amendment to the SALDO was meant to address a protocol for new land development projects that are based on connection to the public sewer system. Under the current provisions of the SALDO, 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. An extended discussion ensued regarding the sewer project generally. F. Hess encouraged everyone to attend the Regular Sewer Meeting on June 6<sup>th</sup> at which the principal players would be in attendance to answers questions. H. Bengel made a motion, seconded by H. Werkheiser, to adopt the proposed ordinance amending the SALDO. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **ORDINANCE NO. 2012-01.**

Street Sign Ordinance (E-911 Addressing) – **CONTINUATION OF PUBLIC HEARING**. J. Durney advised that a public hearing had commenced at the Regular Board meeting on April 16, 2012. The hearing was continued until this evening. There was extended discussion and public comment concerning the terms of the Ordinance. H. Werkheiser expressed concern that the ordinance needed to clarify the Township’s obligation to replace signs. The Township will not be responsible for signs in the interior of private developments. The Township’s obligation should only extend to signs on public roads or where private roads intersect with Township or State roads. F. Hess advised that he preferred that rather than including a fine structure for those residents

who do not comply with the ordinance, the Township include a provision that the Township will install the sign on the property and bill the cost to the property owner. D. Eibler expressed her concern with the fine structure contained in the draft ordinance. S. Ewing spoke in favor of the fine structure indicating that failure to install a sign could jeopardize not only the property owner, but also neighboring residents as emergency vehicles may be further delayed in locating the property at which the emergency existed. J. Coover opposed the fine structure and discussed the particulars of her property and the manner in which the sign would be affixed. After consideration, the Board directed that the ordinance be revised to accommodate these provisions. The hearing will be continued to the next Board meeting in order to consider adoption of the revised ordinance. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of an amended ordinance for consideration at a future Board meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

#### **ADMINISTRATOR'S REPORT:**

Appointment of Pocono Township Delegates to Monroe County Tax Collection Committee – F. Froio recommended that the Township appoint delegates to the Monroe County Tax Collection Committee which oversees EIT collection. H. Bengel made a motion, seconded by H. Werkheiser, to adopt **Resolution No. 617** appointing F. Hess as the primary voting delegate, H. Werkheiser as the first alternate delegate and Frank Froio as the second alternate voting delegate. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Award of Roadway Line Painting Contact – J. Durney advised that after a bidding process and a bid opening on May 16, 2012, Interstate Road Management Corp. was identified as the lowest responsible bidder. The amount of the low bid was \$38,900.75. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the award of the contract and for F. Hess to execute all necessary documents on behalf of the Township. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Summary of Spring Clean-Up – F. Froio advised that the Township collected 56.26 tons of household waste, 6,000 pounds of metals and 95 tires during the Spring Clean-Up. The total cost of the Spring Clean-Up after credit for recyclables and the collection of fees from residents was \$3,403.79.

Appointment of Members to Pocono Township Safety Committee – F. Froio advised that the Township would form a Safety Committee in order to promote the safety of its workers and obtain a reduction in its workmens' compensation insurance rates. H. Bengel made a motion, seconded by H. Werkheiser, to appoint Scott Kresge from the Police Department, Pam Finkbeiner from the Administrative Staff, F. Froio, Township Administrator and a fourth member to be appointed from the road crew as designated by Harold Werkheiser as the members of the Safety Committee. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Acceptance of Letter of Resignation – The Board again thanked Scott Ewing for his service to the Planning Commission and considered his letter of resignation. H. Bengel

made a motion, seconded by H. Werkheiser, to accept Scott Ewing's resignation from the Planning Commission. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Authorization to Advertise Planning Commission Vacancies – F. Froio advised that with the resignation of Scott Ewing, there are two vacancies on the Planning Commission. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of the vacancies on the Planning Commission. 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 the semi-monthly bills on the Bill Payment List dated May 18, 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 4/18/2012 Work Session. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Werkheiser made a motion, seconded by F. Hess, to approve the minutes of the 5/10/2012 Work Session. Roll call vote: H. Bengel, abstained; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**PUBLIC COMMENT:**

An announcement was made that there is a vacancy on the Pocono-Jackson Water Authority. Mary Jean Shick recently resigned due to health issues. A suggestion was made that Jane Cilurso be appointed.

There was a question about hiring a recording secretary for the Planning Commission.

Dawn Eibler and Cindy Gregor raised questions about the remediation of the Yuhas dump site. F. Hess advised that he would visit the site and review the matter further with DEP, which has prepared a remediation plan.

A question was raised about the status of the Frantz Hill Road bridge repair. H. Werkheiser advised that the project was going out to bid.

Jane Cilurso asked about the status of the police contract negotiations. F. Hess advised that the negotiations are continuing.

Jane Cilurso asked about the Township's intent to continue employing F. Froio as Administrator beyond six months. F. Hess stated that a decision had not yet been made regarding the term of F. Froio's engagement. J. Cilurso stated that F. Froio is not qualified to be an administrator based upon his service as a Township Supervisor. J. Cilurso suggested that a RFP should be issued. F. Hess thanked J. Cilurso for her input.

**ADJOURNMENT:**

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 9:02 p.m., until 6/4/2012, 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.