

**POCONO TOWNSHIP SUPERVISORS  
REGULAR MEETING  
June 17, 2013**

**MINUTES**

Vice Chairman Henry Bengel opened the meeting at 7:01 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: Harold Werkheiser, Supervisor; Henry Bengel, Vice Chairman; Frank Froio, Township Administrator; Peter Nelson, Alternate Solicitor; Jon Tresslar, Alternate Engineer; Jeffrey Durney, Township Solicitor

**ANNOUNCEMENTS/CALENDAR:**

Sewer Meeting on June 18, 2013 at 6:00 p.m.

Planning Commission Meeting on June 24, 2013 at 7:00 p.m.

Board of Supervisors Meeting on July 1, 2013 at 7:00 p.m.

**PUBLIC COMMENT:**

None.

**SOLICITOR'S REPORT:**

Ordinance 2013-04: NID Intergovernmental Cooperation Ordinance. J. Durney advised that the proposed ordinance authorizing the Township to enter into an Intergovernmental Cooperation Agreement with Tobyhanna Township in connection with the Tobyhanna Township Neighborhood Improvement District ("NID") was ready for consideration for adoption. Peter Carlucci, bond counsel, explained the purpose of the NID, which was approved by Tobyhanna Township in connection with the Kalahari project. The public improvements, including water and sewer service, must be included within the NID. As a result, because the water and sewer lines serving the Kalahari project extend into Pocono Township, it was necessary for Pocono Township to participate in the NID. H. Bengel made a motion, seconded by H. Werkheiser, to approve Ordinance 2013-04 authorizing the Township to enter into an Intergovernmental Cooperation Agreement for the delegation and transfer of function, power and responsibility under the Neighborhood Improvement District Act to Tobyhanna Township. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried. **ORDINANCE 2013-04.**

Ordinance 2013-03: Butz Landfill Groundwater Restriction. J. Durney advised that the Environmental Protection Agency requested that the Township adopt an ordinance prohibiting the drilling or use of private groundwater wells as a source of water for potable purposes within the designated area near the Butz Landfill Superfund Site. J. Durney advised that the Board would need to complete the draft ordinance by including a

penalty provision for violations of the ordinance. H. Bengel made a motion, seconded by H. Werkheiser, to include a provision in Section VIII of the proposed ordinance providing that violations of the ordinance would result in penalties of not more than \$500 per day. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. H. Bengel made a motion, seconded by H. Werkheiser to adopt Ordinance 2013-03 prohibiting the drilling or use of private groundwater wells as a source of water for potable purposes within the designated area near the Butz Landfill Superfund Site. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried. **ORDINANCE 2013-03.**

**ENGINEER’S REPORT:**

Trap Enterprises, LLC (Desaki Hotel Project) – Consideration of Preliminary Plan Approval. The applicant was present along with its engineer, Rocco Caracciolo, and its attorney, Marc Wolfe. J. Tresslar provided an overview of the project, which is a 5-story, 100 room hotel to be located on the Deskai restaurant property. J. Tresslar advised that the Applicant indicated that it will comply with all issues set forth in his review letter. R. Caracciolo provided additional detail regarding the project. M. Wolfe reviewed certain waivers/modifications that were being requested by the Applicant in connection with the project. Approval of the modifications and Preliminary Plan were recommended by the Planning Commission, subject to the Applicant satisfying all conditions set forth in the Township Engineer’s review letter. H. Bengel made a motion, seconded by H. Werkheiser, to grant Preliminary Plan Approval to the Desaki Hotel Project, said approval to include granting the requested waivers of Sections 2.302.B.4, 3.209.B.1 and 3.605.A of the SALDO and Section 3.01L of the Stormwater Management Ordinance, and being conditioned upon the Applicant satisfactorily addressing all outstanding comments of the Township’s Engineer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried.

Trap Enterprises, LLC (Route 611 Project) – Consideration of Preliminary Plan Approval. The applicant was present along with its engineer, Rocco Caracciolo, and its attorney, Marc Wolfe. J. Tresslar provided an overview of the project, which is a 3-story office building with a day-care center on the ground floor, a convenience store and a fueling station. J. Tresslar advised that the Applicant indicated that it will comply with all issues set forth in his review letter. R. Caracciolo provided additional detail regarding the project. M. Wolfe reviewed certain waivers/modifications that were being requested by the Applicant in connection with the project. J. Tresslar reviewed the waiver request regarding the stormwater ordinance and advised that the waiver meets the spirit of the ordinance. Approval of the modifications and Preliminary Plan were recommended by the Planning Commission, subject to the Applicant satisfying all conditions set forth in the Township Engineer’s review letter. H. Bengel made a motion, seconded by H. Werkheiser, to grant Preliminary Plan Approval to the Route 611 Project, said approval to include granting the requested waivers of Sections 2.302.B.4, 3.209.B.1 and 3.605.A of the SALDO and Section 3.03.A of the Stormwater Management Ordinance, and being conditioned upon the Applicant satisfactorily addressing all outstanding comments of the Township’s Engineer. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried.

Scott Gilliland representing the Planning Commission implored the Supervisors to review the SALDO and other ordinances for purposes of update and revision. S. Gilliland advised that the Planning Commission is concerned that the existing ordinance does not adequately address a number of the issues that often appear in current land development applications and that the ordinances need to be modernized. S. Gilliland stated that the draft updates previously performed by Carson Helfrich should be reviewed and the ordinance revision project moved to completion. S. Gilliland stated that the Planning Commission would like to see a consistent, comprehensive plan, rather than reviewing things piecemeal. S. Gilliland advised that the Planning Commission had a volunteer who would put together a comparison of the existing ordinance with the proposed ordinances so that the material revisions could be highlighted. H. Bengel stated that the Board would welcome a volunteer putting together a comparison.

Marc Wolfe, attorney for Trap Enterprises, requested that the Board refer the petition of Trap Enterprises to amend the Township's Zoning Ordinance to the Township Planning Commission and the Monroe County Planning Commission for their respective reviews. He further requested that the consideration of the petition be scheduled for the Board's regular meeting on August 5, 2013. H. Bengel made a motion, seconded by H. Werkheiser, to refer the proposed amendments to the Zoning Ordinance to the Township Planning Commission and Monroe County Planning Commission and to schedule the consideration of the amendment for the Board's meeting on August 5, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried.

M. Wolfe further requested that the Board schedule the conditional use hearing with respect to the proposed daycare on August 5, 2013. H. Bengel made a motion, seconded by H. Werkheiser, to refer the conditional use application to the Planning Commission for review and comment. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried. H. Bengel made a motion, seconded by H. Werkheiser, to schedule the conditional use hearing on the Trap Enterprises application on August 5, 2013. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried.

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

Spring Clean-Up 2013 – Summary. F. Froio provided a summary of the results of the Township's Spring clean-up. The Township collected a total of 72.55 tons of materials. The net cost of the clean-up to the Township was \$6,199.83.

Police Officer – Consideration of Employment Status Change from Part-Time to Full-Time. F. Froio advised that after discussion with each of the Supervisors individually, the issue would be tabled and considered when a full Board was available.

#### **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 June 17, 2013 (GENERAL FUND: \$49,231.91; PARK FUND: \$299.93; DEBT SERVICE: \$3,477.01). Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried.

**APPROVAL OF MINUTES:**

H. Bengel made a motion, seconded by H. Werkheiser, to approve the minutes of the June 3, 2013 Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried.

**OLD BUSINESS:**

H. Bengel announced that interviews for the position of the Director of Public Works were completed. H. Bengel indicated that he anticipated that the Board would make their hiring decision at the next Board meeting.

**NEW BUSINESS:**

None.

**PUBLIC COMMENT:**

None.

**ADJOURNMENT:**

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn at 7:51 p.m., until July 1, 2013 at 7:00 p.m. at the Pocono Township Municipal Building. Roll call vote: H. Bengel, yes; H. Werkheiser, yes. Motion carried.