

**POCONO TOWNSHIP SUPERVISORS  
REGULAR MEETING  
June 18, 2012**

**MINUTES**

Chairman Frank Hess opened the meeting at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: F. Hess, Chairman; H. Werkheiser, Vice Chairman; H. Bengel, Supervisor; Frank Froio, Township Administrator; J. Tresslar, Township Engineer; A. Bohl, Township Alternate Engineer; R. Caracciolo, Township Engineer; Jeffrey Durney, Township Solicitor

**ANNOUNCEMENTS/CALENDAR:**

F. Hess thanked everyone who participated in the Sewer Meeting on June 6, 2012.

Planning Commission Meeting on June 25, 2012 at 7:00 p.m.

Board of Supervisors Regular Meeting on July 2, 2012 at 7:00 p.m.

Sewer Meeting on July 10, 2012 at 6:00 p.m.

BOS Work Session on June 20, 2012 at 8:30 a.m.

**PUBLIC COMMENT:**

None.

**SPECIAL RECOGNITION:**

Chairman Hess recognized Steven R. Hatton for successfully meeting the requirements to obtain the rank of Eagle Scout. The Board congratulated Steven for his accomplishment and provided him with a Certificate of Recognition.

**BID OPENING:**

J. Tresslar advised the Board that bids had been received for the Frantz Hill Road Bridge Project. J. Tresslar advised that 6 bids were received:

1. Northeast Site Contractors	\$202,287.70
2. Kobalt Construction, Inc.	\$206,610.00
3. Pickarski Incorporated	\$224,827.00
4. Professional Construction Contractors, Inc.	\$259,493.00
5. NIMARIS Construction LP	\$272,293.00
6. Minichi	\$338,000.00

J. Tresslar recommended that he be given a few days to review the bids to insure compliance with the required specifications, after which he would make his recommendation regarding bid award. H. Bengel made a motion, seconded by H. Werkheiser, to give J. Tresslar 5 days to review the bids and make his recommendation regarding award of the contract. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

**ENGINEER'S REPORT:**

Cornerstone Phase I – Consideration of Preliminary/Final Approval. R. Caracciolo, Applicant's engineer, provided an overview of the Plan. The Planning Commission had previously recommended approval of the Plan subject to several conditions. The Applicant requested two modifications: (1) a modification of SALDO §2.106 to permit the plan to be reviewed as a Preliminary/Final Plan; and (2) a modification of SWMO §303.1.3.6 to permit a wetland buffer of twenty (20) feet. The Applicant further requested, assuming that the modifications were granted, final plan approval. A. Bohl advised that he did not have any concerns with the Board providing the requested waivers and final plan approval. H. Bengel made a motion, seconded by H. Werkheiser, to grant the requested modifications of SALDO §2.106 and SWMO §303.1.3.6. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. H. Bengel made a motion, seconded by H. Werkheiser, to grant final approval to the Plan subject to the following conditions: (1) Applicant's receipt of all required outside agency permits and approvals; (2) Applicant's satisfaction of all outstanding comments in the June 14, 2012 review letter issued by Andrew Bohl, P.E. (Alternate Engineer); and (3) Addition of a note on the Plan indicating that the +/- 1,200 sq. ft. patio area shall be used for meeting purposes only and that the activities approved for the interior of the building shall not be conducted on the patio. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sanofi Gas Pipeline Project – Consideration of Preliminary/Final Approval. D. Schmoyer, Applicant's engineer, presented an overview of the Plan. The Planning Commission had previously recommended approval of the Plan subject to the Applicant's satisfaction of the comments in the Township Engineer's June 7, 2012 review letter. The Applicant requested several modifications: (1) SALDO §2.106: Preliminary / Final approval; (2) SALDO §2.302.A and 2.303.A: Drawing scale not to exceed 1"=100'; (3) SALDO §2.4: Provisions for installation of required improvements and developers agreement (waiver requested on gas line installation only); (4) SALDO §3.210.G: 20' buffer at outer limit of wetland boundary; (5) SALDO §3.212: Common open space, recreation areas and in-lieu fees; (6) Ord. 138, §303.I.6.b.i: Earth disturbance within wetland buffer; and (7) Ord. 138, §303.I.8.b: Earth disturbance within stream buffer. D. Schmoyer provided an explanation of the need for each of the modifications. R. Caracciolo advised that he supported the requested modifications. D. Schmoyer provided further detail regarding the Plan. In response to a question from H. Bengel, D. Schmoyer confirmed that natural screening would be planted to shield the installation from the view of neighboring property owners. R. Caracciolo indicated that he did not have any objection to granting final approval subject to the Applicant's satisfaction of the outstanding issues in the review letter. H. Werkheiser made a motion, seconded by F.

Hess, to grant the requested modifications of SALDO §2.106, SALDO §2.302.A and §2.303.A, SALDO §2.4 (waiver on gas line installation only), SALDO §3.210.G, SALDO §3.212, Ord. 138, §303.I.6.b.i and Ord. 138, §303.I.8.b. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. H. Bengel made a motion, seconded by H. Werkheiser, to grant final approval to the Plan subject to the following conditions: (1) Applicant's receipt of all required outside agency permits and approvals; (2) Applicant's satisfaction of all outstanding comments in the June 7, 2012 review letter issued by David Horton, Township Engineer; and (3) Applicant's satisfaction of any comments received from the Fire Chief. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

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

Non-Uniformed Employees' Pension Plan – Consideration of Resolution No. 618 – J. Durney explained that a technical amendment needed to be made to the Pension Plan document in order to be consistent with the terms of the union contract. H. Werkheiser made a motion, seconded by H. Bengel, to approve **Resolution No. 618** updating the Non-Uniformed Employees Money Purchase Plan to be consistent with the terms of the union contract. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

First National Bank Financing for 2012 International – Consideration of Resolution No. 619 – J. Durney advised that First National Bank had provided a proposal for financing the purchase of a 2012 International Truck. F. Hess commented that the terms of the proposed financing were favorable. H. Werkheiser made a motion, seconded by H. Bengel, to approve **Resolution No. 619** accepting the terms of the First National Bank financing proposal dated June 6, 2012 and authorizing the Township to enter into the financing agreement. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewer Project: PACT Two, LLC – Time Extension Request (Contract No. 11) – J. Durney advised that PACT Two has requested a 90 day time extension in connection with the completion of its work on Contract No. 11 of the sewer project. R.K.R. Hess, the Township Sewer Engineer, recommended approval of the time extension request. H. Bengel made a motion, seconded by H. Werkheiser, to grant the 90 day time extension request on Contract No. 11. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewer Project: Authorization to Submit H2O PA Reimbursement Application No. 6 – J. Durney advised that R.K.R. Hess, the Township Sewer Engineer, requested authorization to submit H2O PA Reimbursement Request No. 6 to the PA Department of Community and Economic Development on or about July 1, 2012. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the submission of H2O PA Reimbursement Request No. 6. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sewer Project: Time Extension Requests (Contract Nos. 8 & 9) – J. Durney advised that Pioneer Construction has requested 60 day time extensions in connection with the completion of its work on Contract Nos. 8 & 9. R.K.R. Hess, the Township Sewer Engineer, recommended approval of the time extension requests. H. Bengel made a motion, seconded by H. Werkheiser, to grant the 60 day time extension requests on Contract Nos. 8 & 9. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Street Sign Ordinance (E-911 Addressing) – **PUBLIC HEARING.** J. Durney advised that after prior public hearing on May 21, 2012, certain revisions had been made to the ordinance to: (i) clarify the Township’s responsibilities regarding the installation, maintenance and replacement of street signs on private roads, (ii) replace the fine system for non-compliance with a procedure whereby the Township would install building number signs on the properties of non-compliant owners with the costs of installation being billed to the owners, and (iii) certain minor, technical revisions. A public hearing on the revised Ordinance had been duly advertised for tonight’s meeting. Several suggestions were made that the Supervisors advertise the requirement regarding the installation of the address signs so that residents would have another notice of their obligation. F. Hess indicated that the Board would advertise in the Pocono Record and on the sign on Route 611. H. Bengel made a motion, seconded by H. Werkheiser, to adopt the proposed Ordinance (No. 2012-02) concerning the E-911 addressing. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **ORDINANCE NO. 2012-02.**

Sheldon Kopelson Project – Zoning Change Request – J. Durney advised that while there was not a formal proposal on the agenda to be considered, Mr. Kopelson had requested permission to speak with the Board regarding his proposed project. Mr. Kopelson advised the Board that he could go in one of two directions with the land development process. Specifically, Mr. Kopelson could proceed under the present ordinances and seek the necessary modifications or variances for his project. Alternatively, Mr. Kopelson could request that the Board consider rezoning his property commercial which would eliminate the need for a number of his modification/variance requests. The Supervisors expressed their concern that if the property was rezoned commercial and, for whatever reason, the Kopelson project did not move forward, the Township would be subject to possible unforeseen and unwanted development of the property. Mr. Kopelson advised that he was willing to grant a conservation easement or other protection in order to address this concern. There were several questions from the audience. After further discussion, the Board advised Mr. Kopelson that they were not inclined to rezone his property and that he should proceed as he sees fit with his plans under the current ordinances.

**ADMINISTRATOR’S REPORT:**

Ragnar Relay – F. Froio advised that the organizers of the annual Ragnar Relay had requested permission to utilize a small portion of the Township’s roadways in connection with the race. H. Bengel made a motion, seconded by H. Werkheiser, to permit Ragnar

Events, LLC to hold the Ragnar Relay Race through Pocono Township on October 5-6, 2012. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Planning Commission Vacancies – F. Froio advised that the Township has received 5 applications for the 2 open positions on the Planning Commission. F. Froio suggested providing the applications to the Planning Commission for their recommendations. H. Bengel made a motion, seconded by H. Werkheiser, to refer the applications to the Planning Commission for their recommendations. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Grant Writing Proposal – F. Froio advised that the Township will be receiving a proposal from a grant writer, who would write grants on behalf of the Township. The compensation would be based upon a percentage of the grant monies received. H. Bengel made a motion, seconded by H. Werkheiser, to table the consideration of the grant writing proposal pending receipt of additional information. 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 the semi-monthly bills on the Bill Payment List dated June 15, 2012. H. Werkheiser objected to the purchase of a software program to monitor gas usage, stating that he felt it was unnecessary and not in the budget. Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to approve the payment of \$25,000.00 to Central Pocono Ambulance from the Ambulance Fund and \$3,100.00 to Amerigas in connection with the sewer project. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

F. Hess advised that at the last meeting the Board had approved that sale of a 1998 Ambulance Box Truck for \$3,225.00 as a result of an auction on Municibid. Subsequent to the sale, the Township learned that, while the truck had been given to the Township Police Department by the Ambulance Corps a few years ago, there was a contingency permitting the Corps to take back the truck if the Township was not going to use it. The Township therefore provided the \$3,225.00 received from the auction to the Ambulance Corps, which was satisfied with this resolution.

H. Bengel made a motion, seconded by H. Werkheiser, to approve Payment Request No. 10 on Sewer Contract No. 11 in the amount of \$107,160.00 to PACT Two, LLC and Payment Request No. 6 on Sewer Contract No. 14 in the amount of \$21,656.20 to Pact Construction, Inc. 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 6/4/2012 Regular Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

F. Hess made a motion, seconded by H. Werkheiser, to approve the minutes of the 5/31/2012 Board of Supervisors Work Session. Roll call vote: H. Bengel, abstain; H. Werkheiser, yes; F. Hess, yes. Motion carried.

F. Hess made a motion, seconded by H. Bengel, to approve the minutes of the 5/2/2012 Sewer Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, abstain; F. Hess, yes. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**PUBLIC COMMENT:**

Charles Magjar, Jr. who lives on Route 715 complained about a dog kennel being operated by a neighboring property owner on Route 715. He stated that the dogs are creating a noise and smell problem.

A resident asked how long F. Froio would be continuing in his position. F. Hess advised that F. Froio would be continuing beyond June.

Randy Peechatka advised that NJ Boom was creating a problem on S&S Drive where they were loading and unloading their vehicles along the road. He requested that the Township sweep the area and paint new lines.

**ADJOURNMENT:**

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 8:57 p.m., until 7/2/2012, 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.