

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
August 6, 2012**

MINUTES

Chairman Frank Hess opened the meeting at 7:02 p.m.

PLEDGE OF ALLEGIANCE

F. Hess requested the observation of a moment of silence in honor of Father Zapotocki.

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:

Planning Commission Meeting on August 13, 2012 at 7:00 p.m.

Zoning Hearing Board meeting on August 15, 2012 at 6:00 p.m.

Board of Supervisors Regular Meeting on August 20, 2012 at 7:00 p.m.

PUBLIC COMMENT:

None.

SOLICITOR'S REPORT:

PUBLIC HEARING: Consideration of Revisions to Zoning Ordinance and Zoning Map (Ordinance #2012-04) – J. Durney that a public hearing had been duly advertised with respect to the consideration of Ordinance #2012-04 relating to certain amendments to the Township's Zoning Ordinance and amendments to the Zoning Map. J. Durney advised that the specific amendments at issue were (i) increasing the maximum height of multi-family buildings to 50 feet within a PRD if the construction met certain fire safety criteria (amending Section 609.L); (ii) permitting the same number of dwelling units in a single multi-family building to increase up to the maximum density permitted for the site if the structure met fire safety construction requirements (amending Section 615.A.3); and (iii) amending the Zoning Map to change the Zoning District line delineating the District line between the C-1 Zoning District and the R-2 Zoning District applicable to certain lands of Sheldon Kopelson (PIN #12-6373-00-30-7295). J. Durney explained that the purpose of the hearing was limited to informing and taking public comment on the proposed Ordinance and was not a land development approval. J. Durney provided detail regarding the procedure for the hearing.

Marc Wolfe, attorney for the applicant, provided an overview of the project and proposed zoning amendments requested. Tom Shepstone, a municipal planner, testified on behalf

of the Applicant and provided detailed testimony regarding the appropriateness and benefits of the proposed amendments. T. Shepstone specifically testified as to the benefit of building up as opposed to out, which would result in the preservation of more open space. Donna Alker, Applicant's engineer, provided further testimony regarding the project and the rationale for the proposed zoning map change. Judy Coover asked, to the extent the Ordinance was adopted, how many other properties within the Township would be able to construct buildings with a height of 50 feet. T. Shepstone and D. Alker advised that there would only be a few properties within the Township that would be affected since the amendment would only apply to PRDs, which require a significant minimum acreage. There were several questions from the audience regarding the project, specifically including questions concerning the visibility of the project from neighboring properties. D. Alker provided a sight line exhibit which indicated that the visual impact on surrounding properties would be minimal given the topography of the property and the existing trees. Don Simpson questioned the provision of appropriate fire safety protocols, including the provision of adequate access. T. Shepstone advised that the Fire Chief had provided a letter, which was submitted, indicating that he had no objection to the proposed 50 foot height of the building. H. Bengel expressed his concern that the developer should attempt to mitigate any sight line impact to the surrounding landowners as a result of the 50 feet height of the building. M. Wolfe advised that many of the issues raised could be appropriately addressed in the land development review process. After additional public comment, the proffered exhibits were admitted and the record was closed. H. Bengel made a motion, seconded by H. Werkheiser, to adopt Ordinance #2012-04. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **ORDINANCE #2012-04 ADOPTED.**

Consideration of Resolution No. 622 – J. Durney advised that, pursuant to Ordinance #2012-03, the Township Engineer and Zoning Officer had visited the Yuhas site to inspect the abandoned structure on the site. The Township Engineer provided a Field Report indicating that the structure had suffered extensive damage and deterioration as a result of fire, water and wind and appears to be unfit for human habitation and is dangerous to life and safety. D. Horton further opined that the structure did not appear to be capable of being properly repaired. F. Hess advised that the Township had made numerous unsuccessful attempts to contact the owner of the property to address its condition. H. Bengel made a motion, seconded by H. Werkheiser, to approve Resolution No. 622 authorizing the Township to take such actions and execute such documents as necessary to cause the immediate demolition of the structure situate on the property. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. **RESOLUTION NO. 622 ADOPTED.**

Consideration of Resolution No. 623 – J. Durney advised that at its June 18, 2012 meeting the Board approved Resolution No. 619 regarding the financing of a 2012 International Truck. J. Durney was subsequently asked to provide an opinion letter to the Bank in connection with the proposed financing. J. Durney requested that the Township provide the relevant documentation certifying that the purchase had been properly approved by the Township at a public meeting. While a purchase order for the truck was signed in 2011, a review of the Township records did not produce any evidence that the

purchase of the truck was approved by the prior administration at a public meeting. In addition, a review of the budget for 2012 did not contain any provision for payments for the truck. J. Durney advised that there appeared to be two alternatives: adopting a Resolution approving the purchase of the truck or, failing approval of the purchase, returning the truck and rescinding Resolution No. 619 wherein the financing was approved. There was extended discussion regarding the options, including whether the Township needed the new truck, what the cost would be to return the truck, whether a less expensive alternative might exist and where the Township would obtain the money to pay for the new truck since it was not in the budget. H. Werkheiser made a motion to approve Resolution No. 623. There was no second to the motion. Further discussion ensued. H. Bengel made a motion, seconded by H. Werkheiser, to table consideration of Resolution No. 623 pending further review of the alternatives available. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Dairy Queen Chill & Grill – Authorization to Refer Conditional Use Request to Planning Commission – J. Durney advised that a Conditional Use Application had been submitted by TDQ Land Equities with respect to a sign plaza along Route 611 for the new Dairy Queen restaurant. The issue before the Board was to refer the Conditional Use Application to the Planning Commission. The Applicant’s attorney, M. Wolfe, provided further detail regarding the Conditional Use Application. A short discussion ensued. H. Bengel made a motion, seconded by H. Werkheiser, to refer the Conditional Use Application to the Planning Commission for consideration. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

ENGINEER’S REPORT:

Reserve at Cherry Lane Major Subdivision – Consideration of Final Plan Approval – Bob Brown of Monroe Pike Land, LLC appeared in support of the application for Final Plan Approval. The Applicant’s engineer, Donna Alker, was also present and provided information concerning the plan. D. Horton advised that the comments contained in his review letter were adequately addressed with a few minor exceptions. B. Brown indicated that the remaining comments would be satisfied. D. Horton indicated that he was satisfied with the Plan and recommended approval. H. Bengel made a motion, seconded by H. Werkheiser, to grant Conditional Approval of the Reserve at Cherry Lane Final Subdivision 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.

Tanalo Estates Major Subdivision – Cherry Lane Church Road Speed Limit Request – D. Horton advised that the Applicant had requested that the Township post the speed limit along Cherry Lane Church Road at 25 mph. D. Horton advised that in accordance with the Pennsylvania Vehicle Code 212.108 a speed study would be required to permit the Township to post the road at the requested speed. The Applicant had been advised of this requirement and that because of the review deadline, the Applicant should submit a time extension letter to the Township for consideration at tonight’s meeting. A time extension

letter was not submitted prior to the meeting. Neither the Applicant nor the Applicant's engineer were present at the meeting. D. Horton advised that certain conditions in his review letter had not yet been met and, because a decision was required on the application at this meeting, opined that the plan should be rejected for failure to address the comments set forth in his review letter. D. Horton advised that if the Board was so inclined, he would support a conditional denial that permitted the Applicant to submit a time extension letter prior to the August 17, 2012, the final date by which action must be taken on the plan. H. Werkheiser made a motion, seconded by F. Hess, to conditionally reject the Plan subject to the receipt of a time extension request on or before August 17, 2012. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Northampton Community College – Traffic Signal and HOP Applications – J. Tresslar advised that the College requested that the Township serve as Applicant with respect to an Application for Permit to Install and Operate Traffic Signals and two Applications for Highway Occupancy Permits in connection with their project. J. Tresslar advised that PennDOT required the Township to be the Applicant with respect to the Application for the Traffic Signal and had no objection to the Township acting as the Applicant for the HOP permits for the stormwater crossings. J. Durney advised that the Township had provided NCC with Indemnification and Maintenance Agreements that would be required prior to the Township agreeing to serve as Applicant. William Murphy, attorney for NCC, advised that he had reviewed the Agreements and that NCC understood that it would be solely responsible for the costs associated with the installation and maintenance of the traffic signal and stormwater utilities. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the Township to serve as the Applicant for the Application to Install and Operate a Traffic Signal at SR 0715 and Warner Road (SR 4012) subject to the execution by the College of an Indemnification and Maintenance Agreement satisfactory to the Township Solicitor. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to authorize the Township to serve as the Applicant for Permit No. 14192 (S.R.-SEG.-OFF. 0715-0200-1637 to 0210-0298, & 4012-0010-0667) subject to the execution by the College of an Indemnification and Maintenance Agreement satisfactory to the Township Solicitor. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Bengel made a motion, seconded by H. Werkheiser, to authorize the Township to serve as the Applicant for Permit No. 14190 (S.R.-SEG.-OFF. 0715-0200-1518) subject to the execution by the College of an Indemnification and Maintenance Agreement satisfactory to the Township Solicitor. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

ADMINISTRATOR'S REPORT:

Glacial Energy of Pennsylvania – Consideration of 6 Month Agreement – F. Froio advised that he contacted several energy suppliers to obtain comparative rates. After research, F. Froio determined that the best rate for a 6 month fixed agreement was offered by the Township's current provider, Glacial Energy of Pennsylvania. F. Froio advised

that his research suggested that the best time to enter into a longer term rate agreement was after the winter months. F. Froio will continue to monitor prices and make suggestions regarding a longer term agreement. H. Bengel made a motion, seconded by H. Werkheiser, to approve entry into the 6 month agreement with Glacial Energy and authorized F. Hess to execute the Agreement on behalf of the Township. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Request for Use of Meeting Room – F. Froio advised that the Township received a request from Representative Scavello to use the meeting room for a legislative breakfast on October 13, 2012. H. Bengel made a motion, seconded by H. Werkheiser, to approve the request to use the Meeting Room on October 13, 2012. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Eagle Scout Recognition (Resolution No. 624) – F. Froio presented Resolution No. 624 recognizing Gary Hoffman for achieving Eagle Scout distinction. H. Bengel made a motion, seconded by H. Werkheiser, to approve Resolution No. 624 recognizing Gary Hoffman’s achievement of Eagle Scout rank. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

PAYMENT OF BILLS:

F. Froio advised that in addition to the bills contained on the Bill Payment List dated August 3, 2012, there was a \$1,050 bill from Gotta Go Potties. H. Bengel made a motion, seconded by H. Werkheiser, to approve payment of the semi-monthly bills on the Bill Payment List dated August 3, 2012 and the bill from Gotta Go Potties. 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 July 16, 2012 Regular Board of Supervisors Meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

PUBLIC COMMENT:

Lee Diliberti asked questions about the Yuhas property.

Jane Cilurso questioned the grant of permission given to Representative Scavello to host a legislative breakfast in the public meeting room.

A resident asked about a house in disrepair on Brookdale Road.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 9:10 p.m., until August 20, 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.