

**POCONO TOWNSHIP SUPERVISORS  
REGULAR MEETING  
August 5, 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; Frank Froio, Township Administrator; David Horton, Township Engineer; Jon Tresslar, Township Alternate Engineer; Patrick Armstrong, Alternate Solicitor; Jeffrey Durney, Township Solicitor

Absent: Henry Bengel, Vice Chairman

**ANNOUNCEMENTS/CALENDAR:**

F. Hess announced that an Executive Session was held on July 22, 2013 to discuss a personnel issue.

Sewer Meeting on August 7, 2013 at 6:00 p.m.

HJP Park Board Meeting on August 8, 2013 at 1:00 p.m.

Planning Commission Meeting on August 12, 2013 at 7:00 p.m.

Park Board Meeting on August 14, 2013 at 7:30 a.m.

Board of Supervisors Meeting on August 19, 2013 at 7:00 p.m.

**PUBLIC COMMENT:**

None.

**SOLICITOR'S REPORT:**

Trap Enterprises, LLC – Consideration of Proposed Zoning Ordinance Amendment 2013-07. Alternate Solicitor P. Armstrong advised that a public hearing had been duly advertised and that the Ordinance was ready for the Board's consideration. The proposed amendments to Sections 504 and 512 of the Zoning Ordinance would revise the maximum height for non-residential structures in the C and I Districts and would revise the parking requirements for non-professional offices. Marc Wolfe, counsel for Trap Enterprises, provided further information concerning the need for the amendment. M. Wolfe further advised that the proposed amendment had been reviewed by the Township Planning Commission and the Monroe County Planning Commission and both bodies recommended that the Board approve the amendment. A brief discussion followed. H. Werkheiser made a motion, seconded by F. Hess, to adopt Ordinance No. 2013-07

amending Sections 504 and 512 of the Zoning Ordinance to revise the maximum height for non-residential structures in the C and I Districts and to revise the parking requirements for non-professional offices. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried. **ORDINANCE NO. 2013-07.**

A discussion followed concerning the need to update the Township's SALDO and Zoning Ordinance. S. Gilliland further encouraged the Board to adopt updated ordinances. H. Werkheiser made a motion, seconded by F. Hess, to begin the process of reviewing and updating the ordinances. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

Trap Enterprises, LLC – Conditional Use Hearing. P. Armstrong advised that a public hearing regarding the conditional use application had been duly advertised. P. Armstrong provided an overview of the conditional use application. The application sought conditional use approval under Sections 405, 516 and 532 of the Zoning Ordinance to establish a daycare center as part of a proposed development. Attorney Marc Wolfe represented the applicant and provided a summary of the application. The Board heard the testimony of Rocco Caracciolo, Professional Engineer from Pennoni Associates, and Thomas McKeown, Real Estate Broker and Appraiser. A series of exhibits were also received and reviewed. R. Caracciolo provided detailed testimony regarding the nature of the property and project. T. McKeown offered testimony concerning the property and the impact the proposed development would have on surrounding properties. H. Werkheiser asked about the potential need for a second driveway for purposes of egress in the event of an emergency. There were several questions from members of the public regarding traffic considerations. A brief discussion followed. H. Werkheiser made a motion, seconded by F. Hess, to approve the Conditional Use Application of Trap Enterprises subject to subject to all normal and customary conditions, including compliance with all Township ordinances and satisfaction of all outstanding Engineer's and Solicitor's review comments. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

Northampton County Community College – Consideration of Road Widening Ordinance 2013-08 and Related Matters. J. Durney advised that on April 16, 2012, the Board granted conditional approval of the College's Preliminary Land Development Plan. In connection with the plan, PennDOT requires widening of certain portions of Route 715 and Warner Road to maintain safe vehicular traffic. The road widening requires the transfer of certain easement areas, which PennDOT wishes to be accomplished through the Township filing a declaration of taking. The Township required that the College obtain voluntary agreement from all persons from whom an easement or right-of-way would be taken. The Township also required that the College pay any expenses incurred by the Township related to the acquisition of the right-of-way areas. J. Durney further advised that there were five (5) properties affected and that all of the property owners had agreed to the College's proposal and an amicable condemnation. J. Durney advised that there were now a series of documents ready for approval and execution.

H. Werkheiser made a motion, seconded by F. Hess, to approve the Master Indemnification Agreement with the College regarding the road widening. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Werkheiser made a motion, seconded by F. Hess, to approve the Statements of Understanding with (1) United Way, (2) PP&L, (3) Pocono Mountain School District; (4) YRC Freight, and (5) Dow Jones. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Werkheiser made a motion, seconded by F. Hess, to approve the Release of Sight/Slope Easements #1 through 4. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

J. Durney advised that a public hearing had been duly advertised for consideration of the road widening ordinance. J. Durney provided a brief overview of the proposed ordinance. A brief discussion followed. H. Werkheiser made a motion, seconded by F. Hess, to adopt Ordinance No. 2013-08 providing for the widening of the right-of-way of portions of Route 715 and Warner Road. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried. **ORDINANCE NO. 2013-08.**

J. Durney advised that, with the passage of the Road Widening Ordinance and the approval of the Indemnification Agreement and Statements of Understanding, the next step in the process would be for the Township to adopt a resolution authorizing the condemnation of the right-of-way areas on the five (5) affected parcels. H. Werkheiser made a motion, seconded by F. Hess, to adopt Resolution No. 2013-18 authorizing the filing of the condemnation actions in connection with the Northampton County Community College project. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried. **RESOLUTION NO. 2013-18.**

H. Werkheiser made a motion, seconded by F. Hess, to approve the Route 715 and Warner Road Traffic Signal Maintenance Agreement, subject to the review and approval of the Township Engineer. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

H. Werkheiser made a motion, seconded by F. Hess, to approve the Route 715 and Sullivan Trail Traffic Signal Maintenance Agreement subject to the review and approval of the Township Solicitor and Township Engineer. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

**ENGINEER'S REPORT:**

Sanofi Pasteur B53 GCI Addition. D. Horton advised that Sanofi sought approval of certain requests for modification and preliminary/final plan approval with respect to its B53 GCI Addition project. Deanna Schmoyer, Professional Engineer, represented the applicant. D. Schmoyer provided detail concerning the addition to Building B53, which would serve as a loading dock and warehouse. D. Schmoyer advised that all comments of the Township Engineer would be satisfied. The applicant also sought requests for

modification from Sections 2.106, 2.302(a) and 2.303(a) of the SALDO. H. Werkheiser made a motion, seconded by F. Hess, to approve the Requests for Modification from Sections 2.106, 2.302(a) and 2.303(a) of the SALDO. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried. H. Werkheiser made a motion, seconded by F. Hess, to approve the Preliminary/Final Plan for the B53 GCI Addition 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. Werkheiser, yes; F. Hess, yes. Motion carried.

Sanofi Pasteur VDL Phase 3 – Extension Request. D. Horton advised that Sanofi had requested a 60 day time extension with respect to the VDL Phase 3 project. H. Werkheiser made a motion, seconded by F. Hess, to approve the 60 day time extension request with regard to the VDL Phase 3 project. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

Vasilios Kotrestsos – Consideration of Forwarding Conditional Use Application to Planning Commission. D. Horton advised that a conditional use application had been received from Vasilios Kotrestsos concerning a sign plaza. D. Horton recommended that the application be forwarded to the Planning Commission for its review. H. Werkheiser made a motion, seconded by F. Hess, to refer the Vasilios Kotrestsos conditional use application to the Planning Commission for its review and recommendation. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

Hillside Business Park – D. Horton advised that he had inspected the drainage conditions at the Hillside Business Park subsequent to the road being “tarred and chipped”. D. Horton advised that the pavement appeared to satisfactorily drain to the catch basins. H. Werkheiser made a motion, seconded by F. Hess to release the escrow to the developer subject to final verification and approval by the Township that all conditions have been met. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

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

Case 621F XT Loader Tool Carrier – Consideration of Lease Purchase Agreement. F. Froio advised that the Township had received terms on a lease purchase agreement that would permit the purchase of the vehicle, which was approved at the Board's July 15<sup>th</sup> meeting, at 0% interest over a 2 year period, with the first payment due in January 2014. Bruce Kilby raised a concern about the amount of capital expenditures the Township makes. B. Kilby presented the Board with a proposal to privatize the Township's public works functions and requested that the Board consider a feasibility and cost/benefit analysis concerning privatization. H. Werkheiser made a motion, seconded by F. Hess, to authorize entry into the Lease Purchase Agreement for the Case 621F XT Loader Tool Carrier at 0% interest over a 2 year period. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

Pocono Township Safety Committee – Consideration of Appointment. F. Froio advised that H. Werkheiser had agreed to serve on the Safety Committee on a temporary basis.

Scott Gilliland stressed the importance of the committee and the need for members to be fully trained and committed in order to obtain the necessary certification and insurance discount. A brief discussion followed. H. Werkheiser made a motion, seconded by F. Hess, to appoint H. Werkheiser to the Safety Committee on a temporary basis. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

Police Department Copier – Disposition of Old Copier. F. Froio advised that with the approval to obtain a new copier for the Police Department, the Township will have an extra copier. The Fire Company advised that they are in need of a copier. F. Froio recommended evaluating the old Police Department copier and the Public Works copier and donating the copier that the Township would not use to the Fire Company. H. Werkheiser made a motion, seconded by F. Hess, to donate a copier to the Fire Company. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

PPL Energy Plus – Consideration of Electric Supplier Agreement. F. Froio advised that after investigating several options, the most favorable rate proposal received was from PPL Energy Plus. A short discussion followed. F. Froio advised that the contract would be for a 2 year period, but the Township could terminate the agreement at any time with a payment of a \$100 cancellation fee. H. Werkheiser made a motion, seconded by F. Hess, to authorize entry into the electric supplier agreement with PPL Energy Plus for a 2 year period. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

Resolution 2013-17 Supplemental Appropriations – Consideration of Approval. F. Froio provided an overview of the proposed supplemental appropriations. He highlighted the revenue and expense adjustments. A brief discussion followed. H. Werkheiser made a motion, seconded by F. Hess, to approve Resolution No. 2013-17. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried. **RESOLUTION 2013-17.**

John Bramley questioned that Township's contributions to the ambulance corps. An extended discussion followed. F. Hess recommended that a representative from the ambulance corps meet with the Board to discuss the alleged discrepancies.

Police Statistics. F. Froio advised that updated police statistics were available. The Board, by consensus, agreed to have the statistics posted on the Township's website.

2013 Budget Year-to-Date. F. Froio advised that a year-to-date budget report through July was available. The Board, by consensus, agreed to have the report posted on the Township's website.

**PAYMENT OF BILLS:**

H. Werkheiser made a motion, seconded by F. Hess, to approve payment of the semi-monthly bills on the Bill Payment List dated August 5, 2013 (**GENERAL FUND: \$169,090.76; PARK FUND: \$2,705.78; DEBT SERVICE: \$9,178.54**). Roll call vote: 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 July 15, 2013 Board of Supervisors Meeting. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**PUBLIC COMMENT:**

Jane Cilurso asked about the maximum millage for an ambulance corps in a Second Class Township. J. Cilurso further asked about the appointment of a Public Works Director. F. Hess advised that no decision had been made. J. Cilurso asked about an agreement with F. Froio. F. Hess stated that no written contract had been entered into.

Scott Gilliland raised questions concerning the failure to hire a new Roadmaster. S. Gilliland also expressed concern that there had been no announcement of an executive session regarding prior announcements made by F. Hess regarding the non-hiring of a Roadmaster and the appointment of Kent Werkheiser as the successor to Phil Riley as Police Chief. F. Hess stated that an appointment to the Roadmaster position had not been decided upon because of the ongoing legal issues. F. Hess stated that no executive session had been held regarding the Roadmaster or appointment of successor Police Chief. F. Hess advised that he had not spoken to either H. Werkheiser or H. Bengel regarding the appointments and that there had not been any meeting. F. Hess further stated that it is his belief that it would not be fair to appoint someone to the Roadmaster position only to have that person possibly lose the job if the Township becomes a First Class Township. S. Gilliland recommended that the Board make certain that it comply with all procedural rules concerning the appointments. Judi Coover also commented on the procedures for appointing a Roadmaster and the new Police Chief and her concerns that the Board proceed in accordance with the Sunshine Act.

Annabella Lastowski advised the Board that when UGI was putting in the gas line for Sanofi, they failed to place her property back in the same condition it had been in prior to the work. She further advised that the road (Burton Road) was also not properly restored, which is resulting in excess deterioration. She requested that the Board contact UGI regarding the repairs.

**EXECUTIVE SESSION:**

None.

**ADJOURNMENT:**

H. Werkheiser made a motion, seconded by F. Hess, to adjourn the meeting at 10:05 p.m., until August 19, 2013 at 7:00 p.m. at the Pocono Township Municipal Building. Roll call vote: H. Werkheiser, yes; F. Hess, yes. Motion carried.