

**POCONO TOWNSHIP SUPERVISORS
REGULAR MEETING
September 3, 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; Henry Bengel, Vice Chairman; Frank Froio, Township Administrator; David Horton, Township Engineer; Jeffrey Durney, Township Solicitor

ANNOUNCEMENTS/CALENDAR:

F. Hess announced that an Executive Session concerning personnel matters was held immediately prior to the meeting.

Sewer Meeting on September 4, 2013 at 6:00 p.m.

Planning Commission Meeting on September 9, 2013 at 7:00 p.m.

Board of Supervisors Meeting on September 16, 2013 at 7:00 p.m.

PUBLIC COMMENT:

None.

SOLICITOR'S REPORT:

Vasilios Kotretsos – Conditional Use Hearing. J. Durney advised that a conditional use hearing had been duly advertised with respect to the application of Vasilios Kotretsos with respect to the construction of a sign plaza on his property located at 308 Learn Road. J. Durney provided an overview of the application. Marc Wolfe, attorney for the applicant, presented the testimony of Francis X. Sloane, architect. Mr. Sloane testified concerning the application and presented exhibits depicting the proposed sign plaza. Mr. Sloane testified that the sign would be in the same location as the present sign, which is located within a landscaped area. He further advised that the colors and letters used would be similar to the existing sign and there is no intent to illuminate the sign. The proposed sign complies with the Sign Ordinance's provisions regarding size and is much smaller than what is permitted. There was additional testimony concerning the proposed sign's compliance with the provisions of the ordinance and conditional use provisions. H. Bengel made a motion, seconded by H. Werkheiser, to approve the Conditional Use application for the sign plaza. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Pocono Township Police Department – Consideration of Adoption of General Order 1.3. J. Durney advised that the Police Department sought to revise its policies to permit officers to carry their personal long rifles because the Department does not own a sufficient number for each officer to have his own rifle. J. Durney advised that the Township was awaiting confirmation from its insurance carrier that use of the officers’ personal weapons would be covered by the Township’s insurance policy. Chief Phil Riley provided an overview of the need for the revised policies and the officers’ ability to use their personal long rifles. Chief Riley indicated that the Department may be able to obtain a long rifle for each officer within the next few budget cycles, but that other items have been a greater priority for the Department, including new vehicles. Chief Riley advised that each officer would be required to be properly trained and certified with the rifle. A short discussion followed. H. Bengel made a motion, seconded by H. Werkheiser, to adopt General Order 1.3 conditioned upon the Township receiving confirmation of insurance coverage for officers’ use of their personal weapons. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Second Hand Goods Dealers – Discussion of Proposed Ordinance. J. Durney advised that a draft ordinance had been prepared. There was a brief discussion concerning the terms of the ordinance. Chief Riley offered his comments on the need for the ordinance to assist law enforcement in tracking down stolen goods. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the advertisement of the proposed adoption of the ordinance at a future Board meeting. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Horninger Litigation – Update. J. Durney advised that the Horninger federal civil rights litigation against the Police Department and its officers had been successfully concluded in favor of the Department. J. Durney advised that Harry Coleman, the attorney representing the Township, provided a letter that offered praise of the officers’ professionalism and competency, which he believed were critical to obtaining the favorable verdict.

ENGINEER’S REPORT:

Sheldon Kopelson – Consideration of Minor Subdivision/Lot Line Adjustment. Marc Wolfe, attorney for the applicant, requested that the Board table the consideration of the plan. M. Wolfe explained that Mr. Kopelson has two other land development plans presently being reviewed by the Township Engineer and that the results of these reviews may have an impact upon the Minor Subdivision/Lot Line Adjustment plans. As such, he requested that consideration be tabled until the other plans have been reviewed. H. Bengel made a motion, seconded by H. Werkheiser, to table consideration of the Minor Subdivision/Lot Line Adjustment plan. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Sanofi Pasteur, Inc. – Dengue Building. Mike Wilk, engineer from Borton Lawson, was present to represent Sanofi. M. Wilk provided an overview of the plan. M. Wilk advised that Sanofi was requesting 3 requests for modification (“RFMs”) and final approval of the plan. The RFMs were from SALDO §2.106 to allow for concurrent preliminary/final

plan approval; from SALDO §§2.302.A and 2.303.B to allow for adjustment of the required drawing scale; and from SALDO §3.306 to allow for a distance of less than the required 50' between the proposed access drive and the intersection of Laurel/Discovery Drive. The Planning Commission recommended approval of the RFMs and the plan conditioned upon the addition of a note to the plan indicating that the applicant indemnifies and holds the Township harmless against any and all damage, injury or loss attributable to the location of the proposed access drive. There was a short discussion concerning the plan. D. Horton advised that he supported approval of the plan and RFMs. H. Bengel made a motion, seconded by H. Werkheiser, to approve the RFMs from SALDO §§2.106, 2.302.A, 2.303.B and §3.306. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. H. Bengel made a motion, seconded by H. Werkheiser, to approve the preliminary/final plan subject to subject to the inclusion of a provision indicating that the applicant indemnifies and holds the Township harmless against any and all damage, injury or loss attributable to the location of the proposed access drive and 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. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

ADMINISTRATOR'S REPORT:

Mountain View Park – Discussion of Various Items. Charlie Trapasso advised that the Park Board recommended changing the name of the Arts & Crafts Building to the Mountain View Community Center. The Park Board believed that this name was more in keeping with the present use of the building. H. Bengel made a motion, seconded by H. Werkheiser, to re-name the Arts & Crafts Building the Mountain View Park Community Center. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried. C. Trapasso provided an update with respect to the Crossing Abilities playground and advised that the projected opening date was October 11, 2013. The Park Board further requested that the Supervisors approve obtaining the domain name mtnviewpark.org. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the Township to obtain the domain name mtnviewpark.org. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Adjudication of Trap Enterprises Conditional Use. F. Froio advised that at its August 5, 2013 meeting, the Board approved the conditional use application of Trap Enterprises for the establishment of a day care facility on its property located on Route 611 across from Discovery Drive. A written decision was prepared by the Township's Alternate Solicitor. H. Bengel made a motion, seconded by H. Werkheiser, to approve and adopt the written decision with respect to the Trap Enterprises Conditional Use. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Resolution No. 2013-21 – Sale of Township Property. F. Froio advised that the Township had three (3) vehicles that were to be sold: 2002 Chevrolet Impala; 2001 Chevrolet Impala; and 1996 Jeep Cherokee. The vehicles will be sold "as is" on the municipal bid auction website. H. Bengel made a motion, seconded by H. Werkheiser, to approve Resolution No. 2013-21 authorizing the sale of personal property by sealed bid.

Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.
RESOLUTION NO. 2013-21.

Resolution No. 2013-22 – Authorization to Apply for LSA Grant Funds. F. Froio advised that a grant application had been prepared to seek LSA funds to replace one of the Township trucks. H. Bengel made a motion, seconded by H. Werkheiser, to approve Resolution No. 2013-22 authorizing the application for funding from the Pennsylvania Department of Community and Economic Development to replace a Township vehicle.
Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.
RESOLUTION NO. 2013-22.

2014 Non-Uniform Pension Plan – Minimum Municipal Obligation. F. Froio advised of the Township’s minimum municipal obligation (\$47,454.62) with respect to the 2014 Non-Uniform Pension Plan. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the Chairman to execute the necessary documentation acknowledging the notice of the minimum municipal obligation. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

2014 Police Pension Plan – Minimum Municipal Obligation. F. Froio advised of the Township’s minimum municipal obligation (\$169,692.22) with respect to the 2014 Police Pension Plan. H. Bengel made a motion, seconded by H. Werkheiser, to authorize the Chairman to execute the necessary documentation acknowledging the notice of the minimum municipal obligation. Roll call vote: H. Bengel, yes; H. Werkheiser, yes; F. Hess, yes. Motion carried.

Fall Clean-Up – Authorization of Dates. There was a discussion concerning the dates for the Fall Clean-Up. H. Bengel made a motion, seconded by H. Werkheiser, to schedule the Fall Clean-Up for September 19th to 21st if the necessary dumpsters were available; if the dumpsters are not available, the Fall Clean-Up would be scheduled for September 26th to 28th. 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 payment of the semi-monthly bills on the Bill Payment List dated September 3, 2013. Judi Coover asked about the invoice from Lyle Signs. F. Froio advised that the invoice related to the re-addressing signs and the amount had been reimbursed by the County. There was a short discussion concerning the Norris, McLaughlin & Marcus invoice related to the Werkheiser litigation. There was also a short discussion concerning the Township’s obligations toward the HJP Park. **Approved bill payments: GENERAL FUND: \$132,979.77; PARK FUND: \$19,858.06; DEBT SERVICE: \$8,164.24.** Roll call vote: H. Bengel, yes; H. Werkheiser, no; F. Hess, yes. Motion carried.

APPROVAL OF MINUTES:

There was a short discussion concerning the minutes from the meeting of August 5, 2013. F. Hess objected to the changes H. Werkheiser requested in the minutes. H. Werkheiser made a motion to approve the minutes of the August 5, 2013 Board of Supervisors meeting. There was no second to the motion. No action was taken.

H. Werkheiser made a motion, seconded by F. Hess, to approve the minutes of the August 19, 2013 Board of Supervisors Meeting. Roll call vote: H. Bengel, abstain; H. Werkheiser, yes; F. Hess, yes. Motion carried.

OLD BUSINESS:

J. Coover also asked about the disposition of the Grim, Biehn & Thatcher invoice discussed at the Board's August 19th meeting. F. Hess advised that the law firm had withdrawn the invoice.

NEW BUSINESS:

None.

PUBLIC COMMENT:

Marguerite Vecchio and Danny Brown from Colonial Auto raised concerns about the PennDOT construction project on Route 611. There was a lengthy discussion concerning PennDOT's revision of the plans and the greater impact the revised plans would have on business owners in the affected area. It was recommended that the Township assist the property owners in meeting with PennDOT. There was further discussion about the efforts of Representative Mario Scavello to assist. A short discussion regarding the bridge replacement project followed.

Jane Cilurso 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.

Randy Peechatka raised concerns about the line striping on Munch Drive.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

H. Bengel made a motion, seconded by H. Werkheiser, to adjourn the meeting at 8:49 p.m., until September 16, 2013 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.