

April 10, 2018  
Tuesday, 10:00 a.m.

**MINUTES**

Chairman Robert Rohner called the meeting to order at 10:00 a.m. Also present were Richard Vollmer, Co-Chairman, Theresa Laino, Supervisor, Attorney Donald Karpowich and Mary Ann Conza, Assistant Sec / Treas. Absent: Jon Tresslar, P.E.

**PUBLIC COMMENTS:**

None.

**APPROVE THE MINUTES OF FEBRUARY 27, 2018:**

Motion made by Mr. Vollmer and second by Ms. Laino to approve the minutes of February 27, 2018. Unanimous.

**APPROVE THE MINUTES OF MARCH 20, 2018:**

Motion made by Mr. Vollmer and second by Ms. Laino to approve the minutes of March 20, 2018. Motion passed with Mr. Rohner abstaining. He was not present at the meeting.

**APPROVE THE PAYMENT OF THE BILLS ON LIST #1, LIST #2 AND THE TRANSFERS AS PRESENTED:**

Motion made by Mr. Vollmer and second by Ms. Laino to approve the payment of the bills on List #1, List #2 and the transfers as presented. Unanimous.

**ACCEPT THE FINANCIAL STATEMENTS; ALL FUNDS, FOR THE MONTH ENDED FEBRUARY 28, 2018:**

Motion made by Mr. Vollmer and second by Ms. Laino to accept the financial statements; all funds, for the month ended February 28, 2018. Unanimous.

**OLD BUSINESS:**

**1. FIRE POLICE AFFIDAVITS – ALL HAVE BEEN RECEIVED**

The Fire Police list had been previously approved at the Supervisors' January 30, 2018 meeting conditional upon the receipt of all affidavits. All affidavits are received and in order.

**NEW BUSINESS:**

**1. ASSIGNMENT & ASSUMPTION OF EASEMENT AGREEMENT – WATER AUTHORITY**

Motion made by Mr. Vollmer and second by Ms. Laino to sign the assignment and assumption of easement agreement and authorize Attorney Karpowich to record them. Unanimous.

**2. THE GLEN AT TAMIMENT POA STORMWATER MANAGEMENT – PARKING LOT**

Present on behalf of the applicant were Brian D. Boyer, P.E. and George Kelly, President of The Glen at Tamiment POA. The applicant is proposing to replace its existing 87 space, pervious concrete parking lot with an impervious parking lot.

After discussion, a motion was made by Mr. Vollmer and second by Ms. Laino table the above. Unanimous.

The applicant will return to the Supervisors with the following information:

- A Maintenance and Monitoring Agreement for storm water.
- \$2,500 to be paid into an escrow fund to cover inspection costs for a 10 year period.
- Either post financial security of 110% of construction costs for the storm water system OR execute a Developer's Agreement with a promise to post security prior to starting work.

**3. HIRE PRIVATE CONTRACTOR TO REMOVE TREES FROM BRODHEAD ROAD AND THE STREAM WITHIN THE COMMUNITY PARK**

Motion made by Mr. Vollmer and second by Ms. Laino to hire a private contractor with the lowest responsible bid to remove trees from Brodhead Road and the stream within the Community Park. Unanimous. Three contractors have been contacted for quotes.

**4. APPROVE LETTER OF SUPPORT FOR DELAWARE HIGHLANDS CONSERVANCY'S INTENT TO APPLY FOR BOND FUNDS / GRANTS FROM THE PIKE COUNTY SCENIC CHARACTER PRESERVATION PROGRAM FOR THE SAW CREEK HUNTING AND FISHING ASSOCIATION CONSERVATION**

Motion made by Ms. Laino and second by Mr. Vollmer to approve letter of support for Delaware Highlands Conservancy's intent to apply for bond funds / grants from the Pike County Scenic Character Preservation Program for the Saw Creek Hunting and Fishing Association Conservation. Unanimous.

**5. APPROVE RESOLUTION NO. 334-GRANT APPLICATION TO DCNR FOR THE BUSHKILL VILLAGE MASTER SITE DEVELOPMENT PLAN**

Motion made by Mr. Vollmer and second by Ms. Laino to approve Resolution No. 334-Grant application to DCNR for the Bushkill Village Master Site Development Plan. Unanimous. The Township has already received \$268,000 for the development plan.

**6. APPROVE THE PURCHASE OF A 2018 EXPLORER AWD, XL IS \$27,734.00 AND XLT IS \$32,081.00. CO-STARS PRICING**

Motion made by Mr. Rohner and second by Ms. Laino to approve the purchase of a 2018 Explorer AWD, XL in the amount of \$27,734.00, color to be determined, through Co-Stars contract #025-148. Unanimous.

**7. APPROVE THE PURCHASE OF A 2019 FORD F-250 XL PICK UP TRUCK \$32,358.00**

Motion made by Ms. Laino and second by Ms. Vollmer to approve the purchase of a 2019 Ford F-250 XL red pick-up truck in the amount of \$32,858, through Co-Stars contract #025-148. Unanimous.

Motion made by Mr. Rohner and second by Mr. Vollmer to adjourn the regular meeting at 10:32 for purposes of the dangerous structure hearing. Unanimous.

**DANGEROUS STRUCTURE HEARING CONTINUANCE – JAMES MAZZONE, 4115 BEAR CUB COURT, POCONO RANGLANDS. BEGINS AT 10:30 A.M.:**

Mr. Mazzone was not present for the continued hearing from February 27<sup>th</sup> and requested a phone conference instead. Atty Karpowich conducted the hearing by phone. Also present were Stanley Whittaker, Zoning Officer; Steven McLaughlin, BIU's Building Inspector for the Township.

Mr. Mazzone was to get a 30 yard dumpster and begin cleaning up. He stated that he could not do anything because it is still under investigation by the State Police. He said he sent an e-mail from the contractor (Tassone Construction, Inc.), detailing what the plan is. An architect and structural engineer will be taking care of the project as well. The home will be gutted and repaired. Cost of construction is roughly between \$30,000 and \$50,000. The e-mail mentioned above was sent three times and shows no attachment.

This proceeding was recorded by a court reporter. The transcript made part of these minutes on file. Motion made by Mr. Rohner and second by Ms. Laino to close the hearing at 11:06 a.m. Unanimous.

Motion made by Mr. Rohner and second by Ms. Laino determining this to be a dangerous structure and Mr. Mazzone has been given 60 days to make repairs or demolish. Unanimous.

The regular meeting was re-opened at 11:09 a.m.

**MISCELLANEOUS:**

- 1. PIKE COUNTY HUMANE SOCIETY WILL HOLD A PET CLINIC ON SAT., APRIL 14<sup>TH</sup> FROM 10:00 A.M. TO 3:00 P.M. AT THE MUNICIPAL BUILDING**
- 2. REQUEST OF BUSHKILL OUTREACH TO USE THE COMMUNITY PARK FOR A FLEA MARKET ON SAT., MAY 26<sup>TH</sup> AND SUN., MAY 27<sup>TH</sup>**

Motion made by Ms. Laino and second by Mr. Vollmer to approve the request of Bushkill Outreach to use the community park for a flea market on Saturday, May 26<sup>th</sup> and Sunday, May 27<sup>th</sup>. Unanimous.

- 3. REQUEST OF MT. STREAM BAPTIST CHURCH TO USE THE COMMUNITY PARK ON SAT., AUGUST 4<sup>TH</sup> FROM 9:00 A.M. TO 6:00 P.M.**

Motion made by Mr. Vollmer and second by Ms. Laino to approve the request of Mt. Stream Baptist Church to use the community park on Saturday, August 4<sup>th</sup> from 9:00 a.m. to 6:00 p.m. Unanimous.

**POCONO / PIKE COUNTY COUNCIL OF GOVERNMENT REPORT:**

No report.

**PUBLIC WORKS DIRECTOR / ROADMASTER REPORT:**

Tim Rohner, Public Works Director / Roadmaster reported working on trucks and equipment, broomed township roads, filling pot holes, working on caretaker's house at the community park, cleaning recycling sites at the township building, Pine Ridge, Tamiment and Ranchlands. Crews have been plowing / cindering from recent storms. Storms on 3/2/18 and 3/7/18 were heavy snows with trees and power lines damaged. Crew kept generators fueled from power outage at township building and firehouse. New windshield installed on truck #917. Fixed dump body mounted on truck #916. Truck #910 in Whitmore's for new air dryer. Truck #920 in for warranty work. State inspections done on trucks #912 and #920. Dog training at park went well on 3/10/18.

Crew has been out cutting trees and limbs from township roads. Update on Toms Creek Road: crew should be done with road today and will let the National Park know. Township roads closed are Brodhead Road with about 60 to 70 trees down on roadway, Little Egypt with 40 trees down on roadway.

Mr. Robert Rohner reported that a tremendous job was done by the firehouse for providing meals and shelter for residents, Bushkill Outreach for supplying food, PMLE clubhouse and residents supplying meals and shelter for residents. Approximately 120 homes had minor to major damage, cars crushed from fallen trees. Met-Ed is still doing repairs within the township today. By the middle of the week a contractor will be hired to clear Brodhead Road of trees.

Safe Haven Safety Fair at township building on Saturday, 4/7/18 went well.

**1. ROAD TASK FORCE REPORT**

Mr. Rohner reported on the March 15<sup>th</sup> Road Task Force meeting. Updated on SR2001 project that PennDOT is working on drainage, bringing the road up to grade and cutting rock. PennDOT is working on getting additional funding for emergency paving due to truck traffic using SR739 down to Milford Road.

**ADDENDUM NO. 1:**

Richard Almquist attended the meeting for Jan Springman of PA Utilities, the water and sewer provider for The Glen at Tamiment. After reviewing her tax payment records she discovered that several parcels that had been conveyed to the utility company by the prior owner, Mr. Hon, had not been assigned tax identification numbers. There are nine (9) parcels being taxed that were conveyed in 2003 by a Quit Claim deed from the Hon's to the PA Utility Company. The deeds were not recorded until 2005 and a corresponding record plan had not been recorded. The tax assessment office bases parcel ID numbers on record plans, which was how the utility company found out that they were never recorded as separate parcels from the overall parcels that make up the Tamiment lands. It also explains why they are not getting tax bills for them. The issue comes from the fact that they would like all these pieces in the utility's name with individual parcel ID's. The pump station, wells, standpipe water tower, are shown with parcel ID's with the exception of the Tamiment sewage treatment plant, but Ms. Springman wants to track what is being paid in taxes to these particular parcels.

The County will be looking for a signed plan before recording a deed that defines a parcel. The deeds have copies of parcel plans that were prepared by Riley Associates, Engineers for the utility company, back in 2003.

Ms. Springman asked Mr. Almquist to look into this and see what can be done to get these separated. Because this is a public utility and have certificates of public convenience, in most cases, provisions in the Municipality's Planning Code exempts public utilities from the normal zoning and plan development process outlined in the MPC. The township incorporates that section of the MPC by reference in Section 114 of the ordinance. What direction does the township want them to go? A utility company would normally go to the PA Utility Commission, make application for a determination for their land development and creation of parcels and buildings. Based on the township's ordinance and the MPC, the Supervisors are within their authority to waive the land development process, and allow them to create a corrected plan that subdivides the parcels from the overall parcels of the Tamiment lands and portions of the open space within The Glen, so they could go to Pike County and record the corrected plan.

This was an error made back in 2005 that they would like to get on the record for the utility company. They have ownership of these lots, a blanket utility easement across all the lots and they own the equipment on them as well. These are land locked parcels that do not meet the minimum lot requirements and do not meet the minimum street frontage or lot area. There are facilities on these lots such as a pump station, stand pipes, wells, water tower or some other facility that is part of the public utility. They want to avoid a title issue in the future and to have these parcels assigned an individual tax ID.

The request is to be added to the next meeting agenda of the Supervisors to ask if the Supervisors would consider waiving the land development process for the purposes of preparing a corrected plan to be recorded with Pike County. Mr. Almquist stated that he does not think the steps necessary for a traditional subdivision apply in this situation. Attorney Karpowich responded that they should go through the traditional subdivision process because there are waivers they can use for the areas that are not applicable.

Attorney Karpowich stated that a notation on the plan stating that this is a PUC exempt from zoning and they should look at this from a subdivision & land development standpoint. Submit a plan, asking for waivers and go through the process. There needs to be a formality for Pike County to accept their plan anyway.

Motion made by Mr. Rohner and second by Mr. Vollmer that they apply for a formal subdivision/land development submission, asking for waivers, and the township will work with them on zoning issues. Unanimous.

Motion made by Mr. Vollmer and second by Ms. Laino to go into an executive session at 11:36 a.m. regarding litigation.

#### **EXECUTIVE SESSION - LITIGATION**

Motion made by Mr. Rohner and second by Mr. Vollmer to return to the regular meeting at 12:02 p.m.

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There was a brief executive session regarding litigation. Motion made by Mr. Vollmer and second by Ms. Laino to file suit against Hartford for the fire escrow. Unanimous.

**ADJOURNMENT:**

Motion made by Mr. Rohner and second by Mr. Vollmer to adjourn at 12:03 p.m.

Respectfully submitted,

*Mary Ann Conza*  
Assistant Secretary