

JULY 8, 2021  
THURSDAY, 3:00 P.M.

MINUTES

Chairman Robert H. Rohner, Jr. called the meeting to order at 3:00 p.m. Also present were Theresa R. Laino, Vice Chair; Aaron L. Springs, Supervisor; Sean Logsdon, Esq., Township Solicitor; Mike Lamoreaux, Township Engineer and Stanley Whittaker, Zoning and Code Officer.

PUBLIC HEARING: ANDREW F. FEDOR APPEAL HEARING (PROPERTY MAINTENANCE VIOLATION):

The Hearing opened at 3:01 p.m. The proceeding was recorded by a court reporter and the transcript is a part of these minutes on file.

The Hearing closed on this date at 4:28 p.m. with the decision by the supervisors that they will conduct a site inspection. The property owner will be contacted to set a date and time.

PUBLIC COMMENTS:

No comments were received.

APPROVE THE MINUTES OF JUNE 10, 2021:

Motion made by Mr. Springs, second by Ms. Laino to approve the minutes of June 10, 2021 as presented. Unanimous.

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

Motion made by Mr. Springs, second by Ms. Laino to authorize 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 MAY 31, 2021:

Motion made by Ms. Laino, second by Mr. Springs to accept the financial statements; all funds, for the month ended May 31, 2021. Unanimous.

OLD BUSINESS:

1. BRISCO MT. ROAD CULVERT:

Tabled.

2. BUSHKILL OUTREACH & COMMUNITY CENTER:

Mr. Lamoreaux stated that there is good news regarding the archaeological studies. Search has stated that their field visit to the site indicates drastic disturbance, and that the entire level area is an unnatural landform, just as the soccer field is to the south. It has been pushed

and piled to level the land on a previously steep slope, as can be noted on the 1924 topo map. Prior to leveling, the hillside hosted a network of upland draws from runoff from the ridge top to the west. The mouths of these can still be seen flowing into the deep gorge to the east between remnant ridge spurs or straths that remain intact beyond the project area.

Runoff water that still flows has eroded the fill and disturbance in some areas to show underlying shale bedrock. Everywhere else, the land is covered with parking lot materials (asphalt, overlying sandy fill or deteriorating bedrock), and there are areas that have also been piled, such as the levy built along the eastern edge to catch runoff and direct it to a standpipe for outflow into the gorge. This levy and pipe system, along with a road and bridge culvert, have added severed disturbance in the east and south east portion of the project area.

The landform is a created bench with no archaeological potential. In order to satisfy the specific Phase 1b request, Search proposes that a "Record of Disturbance Form" for submittal to the PA State Historic Preservation Office. A Project Notification Form to receive an "ER Number" with that agency will be submitted.

Mr. Lamoreaux has directed Search to move forward with their recommended filing of their findings with PA State Historic Preservation Office.

**3. BIG EGYPT ROAD – VACATING:**

Mr. Logsdon submitted the proposed ordinance for the vacating of Big Egypt Road. The supervisors will review, and a public hearing date will be determined at the supervisors August 12<sup>th</sup> meeting. The proposed ordinance is a part of these minutes on file.

**4. REAL ESTATE TAX AND EIT REDUCTION FOR MEMBERS OF THE BUSHKILL FIRE COMPANY:**

Mr. Logsdon submitted the proposed ordinance for the supervisors to review. A meeting with the officials of the Bushkill Fire Company will be scheduled to discuss. A public meeting date will be scheduled in the near future. The proposed ordinance is a part of these minutes on file.

**NEW BUSINESS:**

**1. AMENDMENT TO ORDINANCE NO. 128 OF 2013 – MUNICIPAL WASTE, PLANNING, RECYCLING REDUCTION ACT:**

Mr. Logsdon has submitted the proposed amendment to Ordinance No. 128 of 2013 for the supervisors to review.

**Specifically:**

**Section 9 of Ordinance 128 provides that the presence of any articles containing a person's name among municipal waste and recyclables shall create a rebuttable presumption that said municipal waste or recyclables are, or were, the property of the person whose name is found therein.**

**Section 9: Presumption of Ownership shall state that the presence of any articles containing a person's name among municipal waste and recyclables shall create a rebuttable presumption, for the purposes of this chapter, that said municipal waste or recyclables are, or were, the property of the person whose name is found therein.**

**In order to avoid the waste of Township resources in prosecuting offenders under this ordinance, any person wishing to raise the defense that they were not the offending party despite articles bearing their name being found among the municipal waste and recyclables, must provide the designated Township Code Official with the name and address of the person they are alleging is the offending party within ten (10) days of receipt of a citation, or the defense is deemed waived.**

**Section 25 of Ordinance 128 provides in part that violations of the ordinances are prosecuted in the same manner as enforcement of summary offenses, and carries a fine of not less than \$300.00 and not more than \$1,000.00, plus costs and attorney's fees.**

**It has come to the attention of the Township Supervisors that the enforcement and penalty provisions of the dumping and littering sections of this ordinance require amendments whereas the practical application of said provisions are not having the desired effect of deterring littering and dumping while also providing for the efficient identification of and adequate punishment for offenders.**

**Ordinance 128, at Section 25, Violations and Penalties, Subsection E is added as follows:**

**E. As an alternative, any person, as defined herein who violates any provision of this ordinance shall be subject to a Civil Penalty of \$600.00. When the penalty imposed for the violation of this ordinance is not voluntarily paid to the township, the township shall initiate a civil enforcement proceeding before a district justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. If enforcement is initiated through a civil proceeding, said action will subject the violator to civil penalties not to exceed six hundred dollars (\$600.00) per violation. In addition to or in lieu of civil actions before a district justice, the township may enforce this ordinance in equity. In any case where a penalty for a violation of this ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney**

fees incurred by the township in the enforcement proceedings. A township shall be exempt from the payment of costs in any civil case brought to enforce an ordinance in accordance with this paragraph. The amounts of the civil penalty set forth in this ordinance shall conclusively be presumed to be reasonable and shall be binding upon the District Justice Court.

Currently the township is having an issue with the local District Justice Court not issuing fines to those individuals found guilty as outlined in the current Ordinance No. 128 of 2013. Fines are set at a minimum of \$300.00 to a maximum of \$1,000.00. One individual found guilty was fined \$25.00. Another \$100.00.

Mr. Whittaker asked Mr. Logsdon how do you go over the magistrate's head when you have an issue like this. Mr. Logsdon stated that that would be a discussion for Executive Session.

The proposed ordinance in its entirety is a part of these minutes on file.

**MISCELLANEOUS:**

1. The annual Blues Fest and Car Show will be held on Sunday, August 15<sup>th</sup>. Car Show noon to 4:00 p.m. Concert 1:00 p.m. – 7:00 p.m.

**POCONO MT./PIKE COUNTY COG REPORT(S):**

PIKE COUNTY COG: Ms. Laino stated that its was discussed that the county's share of the American Rescue Plan funds, a portion will go to the township's Bushkill Outreach & Community Center. The township will receive a letter.

POCONO MT. COG: No report.

**ROADMASTER/PUBLIC WORKS DIRECTOR:**

Tim Rohner stated that the crew did repairs and maintenance to the equipment.

New tires placed on Truck #914.

Painted all stop blocks throughout the township.

Mowed site lines and road shoulders.

Trash pick-up on township roads.

Working on installation of new doors on the shop/garage area of the municipal building.

Clean up of recycling sites at the township building, Tamiment, Ranchlands and Pine Ridge.

Work continues on the new playground at the municipal building.

Maintenance on the ballfield at the municipal building.

Trucks #916 and #919 passed inspection.

Clean Up Days were held June 4th and 18th. Going very well. Cleaning up from those days.

Brooming roads after the heavy down pours.

Guiderails have been repaired were needed.

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The new Adopt a Highway signs were installed on Brisco Mt. Road

Vegetation control on township roads by DBI.

Ditches cleaned on Winona Falls Road, East and West Sugar Mt. Roads. Done with a rented vac truck.

Worked very well.


The July 4<sup>th</sup> parade was a success. Big turnout.

Attended Road Task Force meeting on June 17<sup>th</sup>. Work continues on Milford Road (SR 2001) from Thurner Road to the Delaware Township line. The next meeting will be July 15<sup>th</sup>.

**ADJOURNMENT:**

There being no further business, meeting adjourned at 5:00 p.m. and an Executive Session for personnel to be held by the motion of Mr. Rohner, second by Mr. Springs. Unanimous.

Respectfully submitted,



Robert H. Rohner, Jr.  
Secretary/Treasurer