

**POCONO TOWNSHIP SUPERVISORS
MINUTES OF THE REGULAR MEETING
DECEMBER 7th, 2009 7:00 p.m.**

The Regular Meeting of the Pocono Township Supervisors was held on December 7th, 2009 at the Pocono Township Municipal Building, Tannersville, Pa., and was opened by Chairwoman, Jane Cilurso, at 7:00 p.m. followed by the Pledge of Allegiance.

MOMENT OF SILENCE: Chairwoman, Jane Cilurso asked for a moment of silence in remembrance of all Military Personnel who lost their lives during the Pearl Harbor attack of December 7, 1941.

ACKNOWLEDGEMENT OF COMMENTS RE RESIDENTS: Chairwoman J. Cilurso noted that each visitor has the right to comment at this time or before any action is taken on the matter.

NOTICE OF MEETING TIMES: J. Cilurso welcomed the audience and thanked them for attending. She noted the regularly scheduled Supervisors meetings are held on the 1st and 3rd Monday of each month at 7:00 p.m. unless rescheduled.

ROLL CALL: Jane Cilurso, present; Harold Werkheiser, present; and John Bramley, present.

Tim McManus, Township Solicitor, Aaron Sisler, Boucher & James, Engineering, Inc., Pamela Finkbeiner, Recording Secretary, Dennis Keesler, Sewage Enforcement Officer, and Stephen Meylach, Zoning Officer, were present.

MINUTES: H. Werkheiser made a motion, seconded by J. Bramley, to approve the minutes of the 11/16/2009 regular Supervisors' meeting. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

J. Bramley made a motion, seconded by J. Cilurso, to approve the minutes of the 11/25/09 Sewage Meeting. Roll call vote: J. Cilurso, yes; H. Werkheiser, abstained; and J. Bramley, yes. Motion carried.

J. Bramley made a motion, seconded by H. Werkheiser, to approve the minutes of the 12/02/2009 Special MMO meeting. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

BILLS: J. Bramley made a motion, seconded by H. Werkheiser, to approve the semi-monthly bills for payment. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

COMMUNICATIONS: All communications pertained to the plans and were addressed when the plans were presented.

BIDS: None

CONSTRUCTION ENGINEERING REPORT: None

SEO REPORT: Dennis Keesler, Twp. SEO reported on the activities of the Sewage Enforcement office. A full copy of his report is on file and available at the Township office.

ZONING OFFICER'S REPORT: Steve Meylach, Twp. Zoning Officer reported 42 permits were issued and other activities of the Zoning Office. A full copy of his report is available on file at the Township Office.

NEW PLANS:

- 1) Shiro AS-Built Plan - Request for Waiver - Chrissie Himler, Borton Lawson, Eng. Inc., represented the plan. Additional gravel was placed on the site during the time of sewer line installation to maintain site access. The applicant desires to maintain a portion of the additional gravel for access to the rear of the restaurant for service vehicles. This de minimis increase in gravel area will not contribute significantly to overall site runoff. C. Himler requested an RFM from Ordinance #65 to allow the indicated portion of the remaining gravel access road to the rear of the property to remain to provide access to the rear of the restaurant for service vehicles. All other areas of gravel will be removed. The request was acceptable to the Twp. Engineer.

J. Bramley made a motion, seconded by H. Werkheiser, to approve the RFM for Ordinance #65 re the 12' gravel access road to the rear of the restaurant for service vehicles. The all remaining graveled areas from the sewer project will be removed. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

Discussion followed. The road vacation of Former T-168 is to be completed before approval of the Shiro As-Built Plan.

J. Cilurso made a motion, seconded by J. Bramley, to authorize T. McManus, Twp. Solicitor to forward the proposed ordinance to vacate the road (Former T-168) in front of Shiro Restaurant to the Pocono Township Planning Commission for recommendation and to schedule a hearing for 12/31/09 at 9:45 a.m. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

TABLING OF PLANS:

H. Werkheiser made a motion, seconded by J. Bramley, to table the RJAD, LLC (Anthony Diaz) As-Built Land Development Plan, Camelback Hotel and Waterpark Prelim/Final Land Dev. Plan and Minor Subdivision Plan, Pump Stations in Pocono Twp. Related to SRO611 Pocono and Hamilton Townships Sewerage System Project Land Development Plan, Barley Creek Parking Area Drainage Plan, and the Sanofi Pasteur - Rosetree Lot Consolidation Plan. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

- 1) Nicholas P. Nicholas Properties Final Minor Subdivision/Lot Combination Plan - The Pocono Township Planning Commission recommended Conditional approval of the plan for final. The plan was tabled at the 11/16/2009 Sup'v. meeting. A letter from B.T.T. Associates, Inc., was read. B. Tompkins has been unable to contact Nicholas P. Nicholas to complete the remaining conditions of the plan. The Twp. Eng. Letter, dated 10/16/2008 and Twp. Solicitor letter of 05/12/2009 have not been addressed. J. Bramley made a motion, seconded by H. Werkheiser, to disapprove the Nicholas P. Nicholas Properties Final Minor Subdivision/Lot Combination Plan based on the letter of the surveyor, and the outstanding comment letters of the Twp. Engineering and Solicitor. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.
- 2) Sanofi Pasteur - 138 KV Substation Final Lot Consolidation Plan - Plan submitted 11/07/2008 for 11/17/2008 Sup'v. Meeting. \$300.00 Plan fee paid. Plan was tabled at the 11/16/2009 Sup'v. meeting. Sup'v. accepted the Time Extension Request until 01/31/2010 at the 11/16/2009 Sup'v. meeting. J. Bramley made a motion, seconded by H. Werkheiser, to table the Sanofi Pasteur - 138 KV Substation Final Lot Consolidation Plan. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.
- 3) Sanofi Pasteur Final Lot Consolidation Plan - South Campus - \$300.00 fee paid. Submitted on 12/22/08 for the 01/20/09 Sup'v. meeting. Plan was tabled at the 11/16/2009 Sup'v. meeting. Sup'v. accepted the Time Extension Request until 01/31/2010 at the 11/16/2009 Sup'v. meeting. Chrissie Himler, Borton Lawson Eng. Inc., represented the plan and informed the board the plan will be ready for approval soon. C. Himler requested the plan be tabled. J. Bramley made a motion, seconded by H. Werkheiser, to table the Sanofi Pasteur Final Lot Consolidation Plan - South Campus. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.
- 4) RJAD, LLC (Anthony Diaz) As-Built Land Dev. Plan - \$500.00 Fee paid. Plan was submitted on 01/16/2009 for the 01/26/2009 P.C. mtg. The P.C. recommended conditional approval of the plan at their 02/23/2009 meeting. The plan was tabled at the 11/16/2009 Sup'v. meeting. The Sup'v. accepted a 90-day Time Extension letter until 12/21/09. The last Sup'v. meeting is 12/21/2009. See motion above for tabling.
- 5) Camelback Hotel and Waterpark Prelim/Final Land Dev. Plan and Minor Subdivision Plan - The P.C. recommended disapproval on the Land Dev. Plan and approval on the Minor Subdivision Plan at their 03/23/09 meeting. Plan was submitted to the Sup'v. on 04/06/2009. The plan was tabled at the 11/16/2009 Sup'v. meeting. The Sup'v. accepted a Time Extension letter until 12/31/09 at their 11/16/09 meeting. Last Sup'v. meeting is 12/21/09.

ONGOING PLANS CONT:

CAMELBACK HOTEL CONT:

Nate Oiler, RKR Hess Associates, Inc. represented the plan. There are two plans, one for the Hotel and Waterpark and one for the Minor Subdivision. Two variances were granted, one for height of building and one for number of loading spaces. 7 RFMs were approved. PennDOT is requiring the project be included in the 715 improvement. The Twp. Solicitor's letter of 12/07/09 and the Twp. Engineers letter of 12/04/09 will be addressed.

J. Bramley made a motion, seconded by H. Werkheiser, to approve the Camelback Hotel and Waterpark Prelim/Final Land Dev. Plan with conditions:

1) Compliance with all comments of the Twp. Eng. Letter of 12/04/09.

2) Compliance with all comments of the Twp. Solicitor Letter of 12/07/09.

3) All professional and Fee in Lieu fees paid.

Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

J. Bramley made a motion, seconded by H. Werkheiser, to approve the Camelback Hotel and Waterpark Minor Subdivision Plan with condition:

1) Compliance with all comments of the Twp. Solicitor letter of 12/07/09 are addressed.

Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

- 6) Pump Stations in Pocono Twp. related to SR0611 Pocono and Hamilton Townships Sewerage System Project Land Dev. Plan - The Pocono Twp. Planning Commission recommended Conditional Approval and approval of 4 RFMs. The plan for Pump Stations 3 & 5 was tabled at the 11/16/09 Sup'v. meeting. A Time Extension letter was received until 01/04/2010 for Pump Stations 3 & 5; last Sup'v. meeting is 01/04/10. (Pump Stations No. 1 & No. 2 were approved on 10/05/2009.) See motion above for tabling.
- 7) Barley Creek Parking Area Drainage Plan - Plan submitted on 09/02/09 for the 09/21/09 Sup'v. mtg. The plan was tabled at the 11/16/2009 Sup'v. meeting. The Sup'v. at their 11/16/09 meeting accepted a Time Extension letter until 02/01/2010. Last Sup'v. meeting is 02/01/2010. See motion above for tabling.
- 8) Sanofi Pasteur - Rosetree Lot Consolidation Plan - \$550.00 Plan fee paid. \$2,000.00 Escrow fee paid. Submitted for 11/16/09 Sup'v. meeting. See motion above for tabling.

TIME EXTENSION LETTER

- 1) Snyder Major Subdivision Preliminary Plan - The P.C. at their 11/23/09 meeting recommended acceptance of a 90-day Time Extension letter. H. Werkheiser made a motion, seconded by J. Bramley, to accept the 90-day Time Extension Letter for the Snyder Major Subdivision Preliminary Plan. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

UNFINISHED BUSINESS: None**NEW BUSINESS:**

- 1) Resolution #567 - Congratulations to Mark Zachery Yerkes for Troop #80, for earning the very prestigious Eagle Scout Award. J. Bramley made a motion, seconded by H. Werkheiser, to adopt Resolution #567. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes, and J. Bramley, yes. Motion carried.
- 2) Settlement Agreement and General Release - Thomas Ansilio/The Flower Tent - J. Cilurso made a motion, seconded by J. Bramley, to approve the Settlement Agreement and General Release as presented, authorizing the Chairman to sign the same and also authorizing the refund payment required pursuant to the terms thereof. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; and J. Bramley, yes. Motion carried.

RESPONSES AND COMMENTS:

Randy Peechatka asked if he can place a road sign at the bottom of his private drive.

S. Meylach noted the sign for Dyson Road off Brookdale Road is missing. H. Werkheiser will order a replacement.

ADJOURNMENT: J. Bramley made a motion, seconded by H. Werkheiser, to adjourn the meeting at 7:55 p.m. until 12/21/2009 at 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes, and J. Bramley, yes. Motion carried.

Respectfully Submitted
Pamela Finkbeiner
Recording Secretary