

**POCONO TOWNSHIP SUPERVISORS
MINUTES OF THE REGULAR MEETING
MAY 4th, 2009 7:00 p.m.**

The Regular Meeting of the Pocono Township Supervisors was held on May 4th, 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.

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.

Russ Cramer, resident of Pocono Manor addressed the board concerning the Lost Trails ATV Park, located on Pocono Manor grounds. The ATV Park has expanded in use, trails are close to homes and ATVs are running late into the night. Ronald Malvin and Eugene Van Horn, residents of Pocono Manor echoed Mr. Cramer's concerns. Steve Meylach, Township ZO stated that he had recently toured the property and did not see any new trails, close to homes. Mr. Van Horn asked S. Meylach to meet with them so they could show where the new trails are located and the proximity of the trails to their homes. Russ Cramer presented the board with pictures. J. Cilurso explained the township is trying to find a solution to the situation. S. Meylach will meet with the residents and tour the property in question.

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. Timothy McManus, Township Solicitor, Aaron Sisler, Boucher & James Engineering, Inc., Pamela Finkbeiner, Recording Secretary, Steve Meylach, Zoning Officer, were present.

MINUTES: J. Bramley made a motion, seconded by H. Werkheiser, to approve the minutes of the 04/06/2009 regular supervisors' meeting and the minutes of the 04/07/2009, 04/17/2009 and the 04/27/2009 special meetings. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; J. Bramley; yes. Motion carried.

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

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

BIDS:

Bids for Road Materials were advertised for opening and reading aloud at the 05/04/2009 Sup'v. meeting. A Pre-Bid meeting was held on 04/27/2009 at 9:00 a.m. at the Pocono Township Municipal Building.

Bids for Road Materials were opened and read aloud. See Attached spread sheet.

Bids for Paving Project

Name	ITEM 1	ITEM 2	Total
	Superpave 9.5mm Scratch course	Superpave 9.5 Wearing Course	
	Approx. Quantity 1318 Tons	Approx. Quantities 2633 Tons	
PENNSY SUPPLY, INC.			
SLUSSER BROS.	89.45	64.87	
Total	\$117,895.10	\$170,802.71	\$288,697.81
HANSON AGGREGATES	60.90	60.90	
Total	\$80,266.20	\$160,349.70	\$240,615.90
LEEWARD CONSTRUCTION	64.50	64.50	
Total	\$85,011.00	\$169,828.50	\$254,839.50
LOCUST RIDGE	55.40	60.16	
	\$73,017.20	\$158,401.28	\$231,418.48

Bids for installation of an interconnecting trail system, parking facilities, and driveway, preparation of playground areas, and other related work at Mountain View Park were advertised for opening and reading aloud at the 05/04/2009 Sup'v. mtg. A Pre-Bid meeting was held on 04/23/2009 at 10:00 a.m. at the Pocono Township Municipal Building, Tannersville, Pa.

COMPANY	BID
Moeller Construction	\$23,000.00
N&T Transports & Excavating	\$25,940.00
Northeast Site Contractors	\$33,105.00
Landscape Design	\$38,350.00
S&K Construction Co.	\$38,600.00
E.F. Possinger	\$49,400.00
Papillon & Moyer Excavating	\$66,082.70
Bob Viersma & Sons, Inc.	\$69,000.00

J. Bramley made a motion, seconded by H. Werkheiser, to table the bids until the 05/18/2009 regularly scheduled Supervisors meeting, at which time the bids will be awarded. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; J. Bramley; yes. Motion carried.

SEO REPORT: Dennis Keesler, Township Sewage Enforcement Officer reported on the permits and probes completed. He is also working with RKR Hess Associates on indentifying and mapping the existing in-ground sewer systems for the next phase of the Sewage line. A full copy of his report is on file and available at the township.

ZO REPORT: Steve Meylach, Township Zoning officer reported 48 permits have been issued, a review of the zoning ordinance is in progress, procedures for contractors licenses is being considered. A full copy of his report is on file and available at the township.

NEW PLANS: None

TABLING OF PLANS: J. Bramley made a motion, seconded by H. Werkheiser, to table the Steve Basick Lot Combination Plan, Nicholas P. Nicholas Final Minor Subdivision/Lot Combination Plan, Sanofi Pasteur - 138 KV Substation Final Lot Consolidation Plan, Sanofi Pasteur Final Lot Combination Plan, RJAD, LLC (Anthony Diaz) As-Built Land Dev. Plan. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; J. Bramley; yes. Motion carried.

ONGOING PLANS:

- 1) Steve Basick Lot Combination Plan-Plan submitted for the 09/15/2008 Sup'v. mtg. \$300.00 fee paid. The Plan was tabled at the 04/06/2009 Sup'v meeting. The Sup'v. accepted a 90-day Waiver at their 03/02/2009 mtg. - until 06/28/09. The last Sup'v. mtg. is 06/15/09. See motion above for tabling.
- 2) 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 04/06/2009 Sup'v. meeting. The 90-day time requirement expires 06/14/09. Last Sup'v. meeting is 06/01/09. See motion above for tabling.
- 3) 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 04/06/2009 Sup'v. meeting. The Sup'v. provided a time extension until the 07/06/2009 meeting. See motion above for tabling.
- 4) 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 04/06/2009 Sup'v. meeting. A time extension letter was received until 07/06/2009. See motion above for tabling.
- 5) 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 04/06/2009 Sup'v. meeting. The Sup'v. accepted a Waiver letter until 07/19/2009. The last Sup'v. meeting is 07/06/2009. See motion above for tabling.

ONGOING PLANS: CONT.

- 6) 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 04/06/2009 Sup'v. meeting. A waiver letter was submitted - until 07/06/09.
H. Werkheiser made a motion, seconded by J. Bramley, to accept the waiver letter - until 07/06/09, and table the plan. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; J. Bramley; yes. Motion carried.
- 7) Pocono Creek Plaza Phase II Waiver Request - Marv Walton, Niclaus Engineering. Marv Walton, Niclaus Engineering, was present to informally discuss the request. The present plan has sufficient parking for the 9 units. The owner would like to expand the parking area to allow for additional uses. The area for additional parking is located within the 50' setback from wetlands. Before proceeding with engineering and design, M. Walton asked if the board would be inclined to look favorably upon a request for modification from the 50' setback so additional parking can be added. J. Bramley noted that the building has been and can still be used for retail without the additional parking or encroachment into the wetland buffer. J. Cilurso stated the township has recently passed the stormwater ordinance, and she would not look favorably on the RFM.

WAIVER REQUESTS:

The Pocono Township Planning Commission recommended the following time extension requests:

- A. Sanofi Pasteur Tank Storage Facility Prelim. Land Dev. Plan - Until 06/22/09
- B. Spirit of Swiftwater, Inc., Preliminary Land Dev. Plan - Office - Until 08/07/09.
J. Cilurso made a motion, seconded by J. Bramley, to accept the time extension waiver letters of Sanofi Pasteur Tank Storage - until 06/22/2009, and Spirit of Swiftwater, Inc. LDP - Office - until 08/07/09. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; J. Bramley; yes. Motion carried.

UNFINISHED BUSINESS:

- 1) Traffic Signal Plan at the intersection of SR314W and Rt. 611 and SR314E (By the Amber Club in Swiftwater).
H. Werkheiser made a motion, seconded by J. Cilurso, to table the plan. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; J. Bramley; yes. Motion carried.
- 2) Time is running out for signing up for Gypsy Moth Spraying with Bruce Andrews, Bruce's Flying Service. Please contact Jane Cilurso, if interested.

3) H. Werkheiser reported the Township's Road crew picked up 170 bags of garbage off township roads in March. He thanked PA Cleanway groups, The Argot Family - Sullivan Trail and the Barton Glen Club - Barton Glen road for cleanups on Earth Day - April 25th, 2009. The Townships' Spring Cleanup collected approximately 68 tons of material.

NEW BUSINESS:

Stadden Road Property - Nate Oiler, RKR Hess Associates, Inc. represented the plan. The original owner, Clearview Builder received conditional approval on 02/07/05 for a subdivision plan and a preliminary plan for a 32 duplex unit development. Planning modules were not approved. The MPC allows 5 years for completion. The original owner had difficulties, and the project was sold to Robert Felins. The new owner is requesting a 7 - year extension to complete the plan at which time central sewage will be available. T. McManus noted that if the plan is not extended, after the expiration of 5 years from date of Preliminary approval the plan will have to comply with all new ordinance changes. J. Cilurso noted the stormwater ordinance has changed; SALDO, and zoning are in the process of being updated. The board requested time to review the plan. No action taken.

Resolution #550 - Additions to Pocono Twp. Fee Schedule - Revise Application Fees and addition of Escrow Fees for Subdivisions and Land Dev. Plans. No action taken.

RESONSES AND COMMENTS:

Tony Novak, president of Lost Trails Corporation, informed the board that the property is leased from Pocono Manor. J. Cilurso asked the time of operation. T. Novak stated the trails are opened from 9 a.m. to 5 p.m. and the gates are shut approximately at 6 p.m. He is working with DEP and the conservation district. S. Meylach questioned if the trails are existing or newly cut. T. Novak stated they are constantly finding existing trails on the property. S. Meylach has been in discussion with the Twp. ZO attorney and has made his decision that it is a commercial business for profit. T. Novak noted the 'pit' is located in Tobyhanna Township and operated by his wife, under the same lease and has parking for customers at that site. There is separate parking at Pocono Manor by the tennis courts for the ATV tours. The illegal ATVs are coming in after hours. T. Novak's company does patrol the property to help limit the amount of after hour riders.

EXECUTIVE SESSION - The board went into executive session at 9:04 p.m. to investigate a violation of the stormwater ordinance. The board reconvened from executive session at 9:24 p.m.

ADJOURNMENT: J. Bramley made a motion, seconded by H. Werkheiser, to adjourn the meeting at 9:45 p.m., until May 18th, 2009, at 7:00 p.m. Roll call vote: J. Cilurso, yes; H. Werkheiser, yes; J. Bramley; yes. Motion carried.

Respectfully Submitted

Pamela Finkbeiner, Recording Secretary