

DINGMAN TOWNSHIP BOARD OF SUPERVISORS
MARCH 20, 2012 MEETING
AGENDA

**THER WILL BE AN EXECUTIVE SESSION IMMEDIATELY FOLLOWING
THE PUBLIC COMMENT PERIOD TO DISCUSS POTENTIAL LITIGATION**

1. CALL TO ORDER - Pledge of Allegiance
2. APPROVAL OF MINUTES: March 6, 2012 Regular Meeting
3. PUBLIC HEARINGS
 - a) M&S Sanitation Inc. Conditional Use Hearing
 - b) Hubpro Inc. Conditional Use Hearing
 - c) Sewage Ordinance Amendment #02-2012
4. OLD BUSINESS
 - a) Professional Contract Proposals – Park Phase 1-B
 - b) Apartments in CP Zone evaluation
 - c) Other
5. NEW BUSINESS
 - a) Joseph Kudok re: parcel size for keeping of animals
 - b) Zoning Hearing Board Training authorization
 - c) DCED Local Share Grant Contract
 - d) Other
6. CORRESPONDENCE
 - a) Miscellaneous Correspondence
7. EMERGENCY SERVICES REPORTS
8. ROADMASTER REPORT
9. SEWAGE/ZONING ENFORCEMENT OFFICER REPORT
10. TREASURER REPORT
 - a) Payment of Bills: \$ 71,054.68
 - b) General Fund Balance: \$ 405,200.32
11. PUBLIC COMMENT PERIOD
12. EXECUTIVE SESSION
13. ADJOURNMENT

- ATTENDANCE:** Thomas E. Mincer, Chairman; ; Kerry W. Welsh, Supervisor; Karen Kleist, Secretary/Treasurer; John H. Klemeyer, Solicitor; Chris Wood, Sewage/Zoning Enforcement Officer; Jim Snyder, Roadmaster; William Mikulak, EMA Coordinator; Joe Kupcha, Pike ALS; Tom Stephenson, Milford Fire Dept.; Mr. & Mrs. McManus, Joe Hudak PE, and Ralph Burger for M&S Sanitation; Mr. Hubbard and Bob Habig for HUBPRO Inc., and members of the public and press. Vice Chairman Dennis L. Brink was absent.
- ITEM NO. 1: CALL TO ORDER** Chairman Mincer called the meeting to order at 7:30 pm opening with the Pledge of Allegiance. He announced that there would be an Executive Session immediately following the Public Comment Period to discuss potential litigation.
- ITEM NO. 2: APPROVAL OF MINUTES** MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to approve the March 6, 2012 Minutes as presented.
- ITEM NO. 3: PUBLIC HEARINGS**
A) M&S Sanitation Conditional Use
- A duly advertised hearing was held to consider the conditional use zoning application #018-12 of M&S Sanitation to establish a solid waste removal business at 880 Route 6. The only parties were the Township and the applicant. Chairman Mincer stated that he had a possible conflict as Ralph Burger, who is a long-time client. Solicitor Klemeyer asked those present if they had a problem with Chairman Mincer participating in the hearing, and none did.
- Project Engineer Joe Hudak testified that the property contains a residential structure previously used as an office; a pole building that recently burned and will be re-built to the same footprint, and will contain a garage/shop area for the trucks and an office area; an existing restaurant; and a proposed dumpster/container storage area that will be fenced and screened. Ralph Burger added that the restaurant and the pole building share a septic. At this time Mr. Hudak submitted revised plans and a narrative addressing the Township Engineer's March 12, 2012 Technical Review Comments.
- The Planning Commission recommended approval subject to seven conditions: the container storage area be specifically delineated on the plans; only empty containers be stored on the property; screening should be consistent with the limits of the defined dumpster area; dumpster area screening should consist of plantings such as Norwegian or blue spruce – no eastern white pine or other "scraggly" species; the plans should be revised to reflect the correct zoning district; residence must be occupied by the owner or an employee/partner of the business; and note #3 of the Township Engineers comments should be shown on the plan (Note 3 states "Residential Uses are only permitted in RC districts if they are associated with the primary use. The residents located on this parcel must be determined to be solely associated with the commercial uses on the subject property."). MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to close the Hearing.
- MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to approve Conditional Use application #018-12 for M&S Sanitation subject to the conditions contained in the March 15, 2012 Planning Commission recommendation letter. It should be noted that a Court Stenographer was present and a transcript of the hearing will be maintained in the permit file.
- ITEM NO. 3(B): Hubpro Conditional Use Hearing**
- The Board opened the duly advertised hearing to consider the conditional use zoning application #017-12 to expand Pike Physical Therapy & Fitness by constructing a hydrotherapy pool and showers. Chairman Mincer stated that he has a conflict. Since the Chairman's conflict leaves a lack of a quorum, the Hearing was continued to March 26, 2012 at 6:00 pm in the Township Offices.
- ITEM NO. 3(C): Sewage Ordinance Amendment**
- A duly advertised hearing on the proposed amendment to the Sewage Ordinance was held. The purpose of the amendment is to provide updates concerning current technology, terminology, etc. No public comment was received. MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to adopt Ordinance No. 02-2012, Sewage Ordinance Amendment.

ITEM NO. 4: OLD BUSINESS**A) Professional Contracts – Park**

The Board reviewed the proposals from Tom McLane Associates and NE Construction Services to provide professional services (design, permitting, bid specs/contracts, etc) for Phase I-B of the Park. McLane will handle the football field and playgrounds, and NE Construction will handle the concession building, and completion of the electrical, well and water systems. MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to approve the professional services proposals/agreements submitted by Thomas McLane Associates and NE Construction Services for professional services relating to Phase I-B of the Park.

ITEM NO. 4(B):**Apartments in CP Zone**

The Board was in receipt of a Memo from the Planning Commission informing that they have concluded their evaluation and have come to the conclusion that apartment buildings are not appropriate for the CP zone and do not recommend changing the ordinance at this time. Chairman Mincer agreed that apartments would not be appropriate on all properties within the CP zone, but thought maybe making it a Special Exception use would allow applications to be reviewed on an individual property basis. The Secretary was directed their opinion on this.

ITEM NO. 4(C):**Other Old Business**

There was no Other Old Business at this time.

ITEM NO. 5: NEW BUSINESS**A) Joseph Kudok**

Mr. Joseph Kudok and his Realtor were present to request the Board consider amending the requirements for the keeping of animals by reducing the property size in the R1 zone to 5 acres. Mr. Kudok is interested in purchasing 5+ acres on Cobb Road, but has a couple of chickens he keeps for eggs. In addition to the written request submitted by Mr. Kudok, his realtor suggested several reasons the ordinance should be changed. Following discussion, the Board directed the Secretary to forward the request to the Planning Commission for review and recommendation.

ITEM NO. 5(B):**Zoning Hearing Board Training**

Karen Kleist informed the Board that the Zoning Hearing Board members are interested in attending training Sponsored by Penn State in Mt. Cobb during the evenings of May 30, June 6 & 13, 2012. MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to authorize the Zoning Hearing Board members to attend The Course in Zoning Administration on May 30, June 6 & June 13, 2012.

ITEM NO. 5(C):**DCED Local Share Grant Contract**

The Board was in receipt of the Contract for the recent Local Share Grant awarded for completion of Phase I of the Park. Solicitor Klemeyer reviewed the contract. MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to approve and execute the Local Share Grant Contract.

ITEM NO. 5(D):**Other New Business**

Karen Kleist informed the Board that the Library would like to hold their May 21, 2012 (7 pm) meeting at the Township Building. The Rec Board meets at 6 pm, so the building will be open; the office area will be locked and inaccessible to them. MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to allow the Library Board to use the meeting room for their meeting on May 21, 2012.

ITEM NO. 6: CORRESPONDENCE**A) Miscellaneous Correspondence**

The Board reviewed various Miscellaneous Correspondence and had no comments.

ITEM NO. 7:**EMERGENCY SERVICES REPORTS**

Joe Kupcha of Pike ALS reported that they had 114 calls (6 of them in Dingman) in February. They are having a Penny Social at St. Vincent's Church on Sunday March 25th.

Tom Stephenson of Milford Fire Dept. reported that this year-to-date they have had 137 EMS (48 in Dingman) and 81 fire calls (38 in Dingman). CPR recertification of members is complete.

DTVFD Chief Bill Mikulak had nothing new to report at this time.

**ITEM NO. 8:
ROADMASTER REPORT**

MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to approve the March 5-18, 2012 Roadmaster Report as submitted and reviewed by Jim Snyder.

**ITEM NO. 9:
SEWAGE / ZONING OFFICER REPORT**

Chris Wood had nothing new to report at this time.

**ITEM NO. 10:
TREASURER'S REPORT**

MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to approve the March 20, 2012 Treasurer's Report, Bill Payment List and General Fund balance, and to sign the checks following the meeting.

ITEM NO. 11: PUBLIC COMMENT

There were no comments from the public or press.

ITEM NO. 12: EXECUTIVE SESSION

The Board recessed to Executive Session at this time.

ITEM NO. 13: ADJOURNMENT

There being no further business after reconvening the regular meeting, MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to adjourn the March 20th meeting.

Respectfully submitted,

Karen Kleist, Secretary/Treasurer