

DINGMAN TOWNSHIP BOARD OF SUPERVISORS
APRIL 26, 2016 MEETING
AGENDA

**THERE WILL BE AN EXECUTIVE SESSION IMMEDIATELY FOLLOWING THE PUBLIC COMMENT PERIOD
TO DISCUSS PERSONNEL MATTERS**

1. CALL TO ORDER - Pledge of Allegiance
2. APPROVAL OF MINUTES - April 5, 2016 /April 12, 2016 Meeting Continuance
3. PUBLIC HEARING
 - a) Falling Creek Investments Conditional Use
4. OLD BUSINESS
 - a) Other
5. NEW BUSINESS
 - a) County-wide Burn Ban
 - b) Buccos - Request for second well
 - c) Davila Fire Loss Escrow Final Release
 - d) Road Department Quotes: Line painting and Culvert pipes
 - e) Bridge Preserve - Quote for Mowing/Trimming
 - f) Liquid Fuels Audit Report - FY2014
 - g) Other
6. CORRESPONDENCE
 - a) Acts 14/67/68 Notification - Mott Street Bridge Rehabilitation
 - b) Tax Abatement Request - Augustine Vincent
 - c) Miscellaneous Correspondence
7. EMERGENCY SERVICES REPORTS
8. ROADMASTER REPORT
9. SEWAGE/ZONING ENFORCEMENT OFFICER REPORT
10. TREASURER'S REPORT / SECRETARY'S REPORT
 - a) Payment of Bills: \$ 32,247.26 General Fund
\$ 439.75 Rec Fund
\$ 4,689.88 Bridge Preserve Fund
 - b) General Fund Balance: \$ 668,553.68
11. PUBLIC COMMENT PERIOD
12. EXECUTIVE SESSION
13. ADJOURNMENT

ATTENDANCE:

Thomas E. Mincer, Chairman; Dennis L. Brink, Vice Chairman; Kerry W. Welsh, Supervisor; Karen Kleist, Secretary/Treasurer; John H. Klemeyer, Solicitor; Chris Wood, Sewage/Zoning Enforcement Officer; Jim Snyder, Roadmaster; Bill Mikulak, EMA Coordinator; Tom Stevenson, Milford Fire Dept.; Attorney Marshall Anders for Falling Creek Investments; Attorney Stacey Beecher for John "Duke" Schneider; Billy Shi; Valerie Panicucci; and members of the public and press.

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 Personnel matters.

ITEM NO. 2: APPROVAL OF MINUTES

MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the April 5, 2016 Minutes and the April 12, 2016 Minutes as presented.

ITEM NO. 3: PUBLIC HEARING**A) Falling Creek Investments
Conditional Use Hearing Continuance**

Township Solicitor John Klemeyer entered the following items into the record: Pike County Dispatch proof of publication (exhibit T-#1); 4/8/16 letter to Falling Creek from Karen Kleist relaying time extension approval (T-#2); 3/24/16 Township Planning Commission letter recommending approval subject to two conditions (T-#3) with 3/23/16 Technical Review Comments from Township Engineer (T-#4) attached; 4/14/16 comments from Pike County Office of Community Planning (T-#5); 3/15/16 letter from George Albert PE addressing comments from Community Planning Office and Township Engineer (T-#6); letter from Chris Wood that he posted notice of the hearing on the property on 2/9/16 T-#7); and a letter from Chris Wood verifying the notices were still posted on 4/12/16 (T-#7a).

In addition to the applicant and Township, the following adjoining property owners opted to be parties to the hearing: Billy Shi and Valerie Panicucci. John "Duke" Schneider, through his attorney Stacey Beecher, presented argument that Mr. Schneider, as Executor and Trustee of Richard Snyder's estate, which includes Milford Professional Park, has standing to be a party to the hearing.

Mr. Schneider's testimony included: Milford Professional Park is approximately 700-1000 feet from the subject property and has been the landlord for the Department of Public Welfare (DPW) for 20 years. The current lease expires September 2016; the applicant was awarded the bid for the new lease. He opposes the application because he feels the use (DPW) is not allowed in the ND-2 zone. DPW currently leases 4400 sq.ft., but new lease is for 5887 sq.ft.; Milford Professional Park is able to meet that by adding adjoining space. The Professional Park is for sale; loss of the tenant will reduce the value of the property. Mr. Schneider feels that DPW would remain at the Professional Park if the other location was not an option, but has no indication from DPW that that is so.

Both attorneys cited case law supporting their positions. The Board recessed to Executive Session to determine if Mr. Schneider has standing.

Upon reconvening the Public Hearing, Solicitor Klemeyer stated that they were unable to determine standing based on the amount of information provided. The Township would also like to address the issue of the proposed tenant and whether they qualify to be located in a Professional Office Building as defined by the Township Zoning Ordinance, as it appears to be the basis of at least one objector. The Township would like to avoid potential difficulties and hardship later on if it is determined that the tenant does not qualify to be located in a Professional Office building. All parties agreed to address the tenant issue during the Conditional Use proceedings. As for the issue of standing, it was requested that the attorneys submit a Memorandum, case law, etc. supporting their positions.

MOTION was made by Thomas Mincer, seconded by Kerry Welsh, and unanimously carried to continue the Falling Creek Investments Conditional Use Hearing to May 31, 2016 at 7:30 pm, and to require counsel to submit their positions to the Township Solicitor by May 23, 2016.

Note: A Court Stenographer was present and the transcript will be maintained in the permit file.

ITEM NO. 4: OLD BUSINESS**A) Other Old Business**

There was no Other Old Business at this time.

ITEM NO. 5: NEW BUSINESS**A) County-wide Burn Ban**

The Pike County Commissioners put a county-wide burn ban in effective at 12:00 am on April 22, 2016, and lasting for 30 days.

ITEM NO. 5(B):**Buccos Request for Second Well**

The Board was in receipt of a Memo from Chris Wood informing that Mr. Buccos has applied for a well permit to serve his barn/office structure. (He recently received Planning Module approval for a community sewage system to serve the house and barn). The proposed well is at least 170' from each property line. MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to approve issuing a permit for a second well on the Buccos property.

ITEM NO. 5(C):**Davila Fire Loss Escrow Final Release**

Karen Kleist requested approval to release the final escrow funds held for the Davila fire loss. The well has been sealed and the sewage tanks crushed/filled. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the final escrow release in the amount of \$2,566.62 plus accrued interest to George Davila.

ITEM NO. 5(D):**Line Painting & Culvert Pipe quotes**

Roadmaster Jim Snyder requested approval to hire DBI Services as the low quote for line painting. They were used years ago under a different name and their work was satisfactory. MOTION was made by Thomas Mincer, seconded by Dennis Brink, and unanimously carried to accept the line painting quote from DBI Services in the amount of \$11,951.63.

Jim also requested approval to purchase 200' of 18" plastic culvert pipe from Chemung Supply as the low quote. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to accept the quote from Chemung Supply in the amount of \$1,797.00.

ITEM NO. 5(E):**Bridge Preserve - Mowing Quote**

The Board reviewed the quote from Veteran Land Management for mowing and trimming of the trails, meadow and lawn area around the pavilion at the Bridge Preserve in the amount of \$1,215.00. Following discussion, MOTION was made by Thomas Mincer, seconded by Dennis Brink, and unanimously carried to approve the quote from Veteran Land Management in the amount of \$1,215.00 provided they will agree to mow the pavilion lawn area at least three additional times this season at the line item amount of \$150 each.

ITEM NO. 5(F):**Liquid Fuel FY2014 Audit**

The Board was in receipt of the FY2014 Liquid Fuels Fund Audit completed by the state. There were no findings.

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

There was no Other New Business at this time.

ITEM NO. 6: CORRESPONDENCE**A) Mott Street Bridge Notification**

The Board received notice under Acts 14/67/68 from Sparnon Wetland Services that they are submitting a GP-II permit application to PaDEP for the Mott Street Bridge Rehabilitation project. The Board had no comments.

ITEM NO. 6(B):**Tax Abatement Request**

The Board received notification that Augustine Vincent has requested an abatement of 2016 taxes following a reduction in assessed value (basement unfinished). The Board had no objections.

ITEM NO. 6(C):**Miscellaneous Correspondence**

The Board reviewed various Miscellaneous Correspondence and had no comments.

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

Tom Stevenson of Milford Fire Department reported that there were 201 EMS and 119 Fire dispatches this year-to-date. All CPR recertifications are complete.

**ITEM NO. 8:
ROADMASTER REPORT**

MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the March 28-April 10, 2016 and the April 11-24, 2016 Roadmaster Reports as submitted.

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

Chris Wood reported that testing for a temporary fix and permanent solution to the Sunrise Lake Section 9 mound malfunction is scheduled for May 9th.

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

MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to approve the April 26, 2016 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.

Upon reconvening the regular meeting, MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to hire Michael D'Antuono as seasonal, part-time Park Maintenance employee at \$12 per hour, for approximately 20 hours per week.

ITEM NO. 13: ADJOURNMENT

There being no further business, MOTION was made by Thomas Mincer, seconded by Kerry Welsh, and unanimously carried to adjourn the April 26th meeting.

Respectfully submitted,

Karen Kleist, Secretary/Treasurer