

DINGMAN TOWNSHIP BOARD OF SUPERVISORS
SEPTEMBER 6, 2016 MEETING
AGENDA

1. CALL TO ORDER - Pledge of Allegiance

APPROVAL OF MINUTES - August 2, 2016 Meeting
August 16, 2016 Meeting
2. OLD BUSINESS
 - a) Delaware Plaza Traffic Signal
 - b) Other
3. NEW BUSINESS
 - a) Proposed Bid - Treated Salt
 - b) Kevin Holian re: Zoning Ordinance Article I
 - c) Ivy Bellino re: Solicitation ("No Knock") Ordinance
 - d) Constellation Energy - Supplier contract for PPL streetlight
 - e) Other
4. CORRESPONDENCE
 - a) Pike County Association of Township Officials
 - b) Pike County Tax Claim Exonerations
 - c) Montague Township, Sussex County, New Jersey
 - d) Miscellaneous Correspondence
5. EMERGENCY SERVICES REPORTS
6. ROADMASTER REPORT
7. SEWAGE/ZONING ENFORCEMENT OFFICER REPORT
8. TREASURER'S REPORT / SECRETARY'S REPORT
 - a) Payment of Bills: \$ 107,966.76 General Fund
\$ 4,268.51 Rec Fund
\$ 1,083.97 Bridge Preserve Fund
 - b) General Fund Balance: \$ 1,002,612.29
9. PUBLIC COMMENT PERIOD
10. ADJOURNMENT

- ATTENDANCE:** Thomas E. Mincer, Chairman; Dennis L. Brink, Vice Chairman; Kerry W. Welsh, Supervisor; Karen Kleist, Secretary/Treasurer; John H. Klemeyer, Solicitor; Michael Weeks, Engineer; Jim Snyder, Roadmaster; Chris Wood, Sewage/Zoning Enforcement Officer; Bill Mikulak, EMA Coordinator; Mark O'Brien & Joe DeMao, DTVFD; Joe Hudak, PE for Delaware Plaza; Kevin Holian; Ivy Bellino; 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 reminded those present that the Township Cleanup Day is on September 17 from 8 am to noon at the Township Garage, and the Scarecrows in the Park festival is on September 24th from 10:30 to 4 pm at the Township Park.
- ITEM NO. 2: APPROVAL OF MINUTES** MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to approve the August 2, 2016 Minutes as presented. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and carried to approve the August 16, 2016 Minutes as presented.
- ITEM NO. 2: OLD BUSINESS**
A) Delaware Plaza Traffic Signal
- Joe Hudak, engineer for Delaware Plaza, submitted the Right-of-Way Acquisition plans, plan sheet page 1, and a letter addressing Mike Week's comments of August 31. Mr. Hudak stated that he needs two items from the Township: whether or not crosswalks are wanted, and whether or not overhead street lights are wanted. The Board is opposed to encouraging pedestrian crossings as the intersection is still undeveloped for the most part. Discussion ensued regarding lighting. It was determined that street lights installed on 2-3 of the 5 proposed traffic signal poles should be adequate; Mr. Hudak will get a draft plan detail to Mike Weeks for review.
- Solicitor Klemeyer reported that he received a draft Developers Agreement from Attorney Stieh. While there are several minor corrections needed, the most work needs to be done on Section 15 Future Properties Benefit, which is intended for the Developer to receive reimbursement for the costs of the traffic signal and related improvements. Currently it puts the onus on the Township to collect from future developers, does not specify how far away, what types of development, and does not have an end date after which reimbursement would not apply. The Board requested Solicitor Klemeyer contact Attorney Stieh directly regarding the changes needed.
- The Board also mentioned that assistance with equipping the Fire Department vehicles with preemption devices may also be needed. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to provide a letter to Kiley Associates informing that the Township does not want pedestrian crossings at the intersection, but would like sufficient street lighting to illuminate the immediate area of the intersection; approval of the Traffic Signal Plans and Developers Agreement will be tabled to allow for revisions and further review.
- ITEM NO. 2(B):**
Other Old Business
- There was no Other Old Business at this time.
- ITEM NO. 3: NEW BUSINESS**
A) Proposed Treated Salt Bid
- MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to authorize advertising for 300 tons of treated sodium chloride.
- ITEM NO. 3(B):**
Kevin Holian: Zoning Ord. Article I
- Kevin Holian gave a presentation to the Board regarding the need for all land use changes to address the "Economic and Aesthetic Character" of Dingman Township as referenced in Article I of the Zoning Ordinance. In addition, those terms need to be clearly defined. His opinion is that commercial development should: be revenue producing (taxes); not reduce the value of other properties; the demand for services should not outweigh benefits to the community; natural resources should be preserved; and all properties should not detract from our tourism-based economy. Mr. Holian also suggested a "No Knock" registry or ordinance, and the possibility of a

disclosure requirement for LLC's. The Board directed the Secretary to forward Mr. Holian's outline to the Planning Commission for further review and discussion.

ITEM NO. 3(C):**Ivy Bellino: Solicitation Ordinance**

Ivy Bellino asked the Board to consider adopting a Solicitation or No Knock ordinance, and provided a couple of samples from other PA municipalities. Solicitor Klemeyer stated that unfortunately such ordinances have generated a lot of litigation against townships; especially when religious or political freedom infringements are perceived. He stated that under PA law, the best thing a property owner can do is post No Trespassing and No Solicitation signs. Failure of persons to heed the signs is a violation of the crimes code. Supervisor Welsh agreed with Solicitor Klemeyer's assessment. Another point that was made is that Solicitation ordinances are usually in a municipality that has a police department that can enforce it. Currently, it would be almost impossible for Dingman to enforce one.

ITEM NO. 3(D):**Constellation Energy Contract**

Karen Kleist presented the contract from Constellation Energy to add the Rt. 6 (PPL) streetlight. The contract is until next spring, when our other contracts expire. Savings is \$.016/kWh. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the contract with Constellation Energy at the electric supplier for the PPL streetlight until June 2017.

ITEM NO. 3(E):**Other New Business**

Karen Kleist provided an email from the Conservation District offering to meet with municipal leaders regarding their services. The Board would like to meet; they also suggested doing a round table at the Officials convention or at their office.

ITEM NO. 4: CORRESPONDENCE**A) Pike County Association of Township Officials**

The Annual Convention will be held at Hunts Landing on October 7th from 9am to 2pm. The assessment of \$200 covers up to 9 attendees. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to authorize payment of \$200 for the Township Officials convention and to authorize up to nine Township officials and employees interested to attend.

ITEM NO. 4(B):**Pike County Tax Claim Exonerations**

The Board received notice of eight properties that were exposed to judicial sale, placed into the County repository, and have now been sold. Taxes on said properties have been exonerated. The Board had no objections.

ITEM NO. 4(C):**Montague Township, Sussex County, NJ**

The Board received notification of a public hearing on the adoption of an amendment to the Housing Element and Fair Share Plan of the Montague Township Master Plan to be held on Sept. 8, 2016 at 7:00 pm. The Board had no comments.

ITEM NO. 4(D):**Miscellaneous Correspondence**

The Board reviewed various Miscellaneous Correspondence and had no comments.

ITEM NO. 5:**EMERGENCY SERVICES REPORTS**

DTVFD Chief Mark O'Brien reported that there were 33 Fire and 82 EMS dispatches in August. He requested permission for the Department to attend Westfall Township Fire Dept.'s wetdown on Sept. 10th (with apparatus). MOTION was made by Kerry Welsh, seconded by Thomas Mincer, and unanimously carried to authorize DTVFD members/equipment to attend the Wetdown at the Westfall Township firehouse on September 10, 2016.

ITEM NO. 6:**ROADMASTER REPORT**

MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to approve the August 15-28, 2016 Roadmaster Report as submitted and presented by Jim Snyder. Jim asked if he could rent a boom mower to mow along the Township roads. One week rental plus delivery and pickup is \$2,850.00. MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to authorize the rental of a boom mower in the amount of \$2,850.00.

**ITEM NO. 7:
SEWAGE / ZONING OFFICER REPORT**

Chris Wood presented the Board with his Determination regarding the request of Har Haven LLC for a Certificate of Use to operate a resort at the property known as Mt. Haven, which he also read for the benefit of the public in attendance. His Determination included the Background of the use of the subject property, his Findings and Conclusions which led to his Determination that the proposed use of the Mt. Haven property by Har Haven LLC, though different in some ways, to be basically similar to that conducted by the Filone family. A Temporary Certificate of Use is hereby issued to Har Haven LLC for a period of one year subject to: operating the facility as described in the written comments provided to the Zoning Officer; use of the property as a camp, school, or similar use for more than 6 weeks total in one calendar year will require application for zoning approval for said use; the restaurant must be used for at least 6 weeks per calendar year (over and above the time it is utilized for the "camp") or the predominant use will be found to be the camp, etc.; and the motel portion must remain open to guests for a minimum of 183 days per calendar year.

In answer to questions from the public, Chris Wood stated that the Township has been and will continue to cooperate with state agencies also having jurisdiction; the Township will continue to enforce its ordinances and now the terms of the CU; and if the kitchen is run by another entity, it must still be done in conformance with the terms of the CU issued to the owner.

**ITEM NO. 8:
TREASURER'S REPORT**

MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to approve the September 6, 2016 Treasurer's Report, Bill Payment List, and General Fund balance, and to sign the checks following the meeting.

**ITEM NO. 9:
PUBLIC COMMENT**

There were no comments from the public or press.

**ITEM NO. 10:
ADJOURNMENT**

There being no further business, MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to adjourn the September 6th meeting.

Respectfully submitted,

Karen Kleist, Secretary/Treasurer