

DINGMAN TOWNSHIP BOARD OF SUPERVISORS
AUGUST 16, 2016 MEETING
AGENDA

1. CALL TO ORDER - Pledge of Allegiance

ANNOUNCEMENT: An Executive Session was held on August 8, 2016 at the office of the Township Solicitor with Supervisors Dennis Brink and Kerry Welsh present to discuss factual and legal issues in the Fall Creek Investments zoning matter and to provide to the solicitor a basis to draft a proposed decision (Findings of Fact and Conclusions of Law).

2. APPROVAL OF MINUTES - June 28, 2016 Public Hearing
3. OLD BUSINESS
 - a) Falling Creek Investments zoning decision
 - b) Other
4. NEW BUSINESS
 - a) James Furnari - Request for Extension of Temporary CO
 - b) Lease Renewal - Pitney Bowes Postage Meter
 - c) Other
5. CORRESPONDENCE
 - a) Pike County Tax Claim - Judicial Sale Exonerations
 - b) Miscellaneous Correspondence
6. SUBDIVISIONS / LAND DEVELOPMENTS
 - a) Maier Lot Improvement
7. EMERGENCY SERVICES REPORTS
8. ROADMASTER REPORT
9. SEWAGE/ZONING ENFORCEMENT OFFICER REPORT
10. TREASURER'S REPORT / SECRETARY'S REPORT
 - a) Payment of Bills: \$ 15,416.32 General Fund
\$ 67.04 Rec Fund
 - b) General Fund Balance: \$ 1,127,372.43
11. PUBLIC COMMENT PERIOD
12. ADJOURNMENT

- ATTENDANCE:** Dennis L. Brink, Vice Chairman; Kerry W. Welsh, Supervisor; Karen Kleist, Secretary/Treasurer; John H. Klemeyer, Solicitor; Chris Wood, Sewage/Zoning Enforcement Officer; Bill Mikulak, EMA Coordinator; Mark O'Brien and Joe DeMao of DTVFD; and members of the public and press. Chairman Thomas E. Mincer was absent due to a family emergency.
- ITEM NO. 1: CALL TO ORDER** Vice Chairman Brink called the meeting to order at 7:30 pm opening with the Pledge of Allegiance. He then announced that an Executive Session was held on August 8, 2016 at the office of the Township Solicitor with Supervisors Dennis Brink and Kerry Welsh present to discuss factual and legal issues in the Fall Creek Investments zoning matter and to provide to the solicitor a basis to draft a proposed decision (Findings of Fact and Conclusions of Law).
- ITEM NO. 2: APPROVAL OF MINUTES** MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the June 28, 2016 Public Hearing Minutes as presented.
- ITEM NO. 3: OLD BUSINESS**
A) Falling Creek Investments - Zoning Decision The Board reviewed the Findings of Fact & Conclusions of Law prepared by Solicitor Klemeyer. He stated that the Conditional Use Hearings focused on: 1. the issue of standing; and 2. whether or not the applicant's tenant falls under the category (use) of a Professional Office. He met with two Supervisors to review the issues, testimony and law. The decision, contained in the Findings of Fact and Conclusions of Law, are as follows: Valerie Pannicucci has standing; Samall does not have standing; the zoning permit application is denied. He noted that the lack of evidence from the applicant's tenant weighed heavily in the decision. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to adopt the Findings of Fact and Conclusions of Law regarding the zoning application of Falling Creek Investments as written, and to execute the document after the meeting.
- ITEM NO. 3(B): Other Old Business** There was no Other Old Business at this time.
- ITEM NO. 4: NEW BUSINESS**
A) James Furnari - Request for Extension of Temporary CO The Board was in receipt of a letter from James Furnari requesting an extension of the Temporary CO on his pole building on lot 29 of Old Mill Estates for another year. Chris verified that the house is progressing (under roof) but there is still more to be done. The pole building is used to store building supplies and equipment. Following discussion, MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to grant an extension on the temporary certificate of use for the Furnari pole building as follows: the exterior must be completed in six months, and the rest of the house must be 100% complete by May 2017.
- ITEM NO. 4(B): Lease Renewal – Postage Meter** The Board reviewed the lease renewal for the Pitney Bowes postage meter. A new version of the same meter will be provided at a cost of \$92.79 per quarter (down from the current amount of \$111/quarter) for five years. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the lease for a postage meter from Pitney Bowes.
- ITEM NO. 4(C): Other New Business** There was no Other New Business at this time.
- ITEM NO. 5: CORRESPONDENCE**
A) Pike County Tax Claim Bureau The Board was in receipt of properties sold at the 2016 Judicial Sale and therefore had all taxes exonerated.
- ITEM NO. 5(B): Miscellaneous Correspondence** The Board reviewed various Miscellaneous Correspondence and had no comments.

**ITEM NO. 6:
SUBDIVISIONS / LAND DEVELOPMENTS**

A) Maier Lot Improvement: The Board reviewed the proposed lot improvement and documentation including deeds, letters of adequacy from the County Planning Commission and Township Engineer, and a recommendation for approval from the Planning Commission. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the Maier Lot Improvement combining lots 17 & 18, Block 12, Section 67 of Hemlock Farms, to be known as lot 18R.

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

DTVFD Chief Mark O'Brien reported that there were 37 fire and 95 EMS dispatches in July. They are purchasing 10 sets of turnout gear (firefighter) and computers for EMS through state grants.

**ITEM NO. 8:
ROADMASTER REPORT**

MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the August 1-14, 2016 Roadmaster Report as submitted.

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

Chris Wood reported that he received additional information from the new owners of Mt. Haven pertaining to their request for a Certificate of Use. He determined additional information is needed and he and Solicitor Klemeyer are prepared a list of specific questions to better explain the proposed use of the property. Chris delivered the list to Mr. Birnhack at a meeting on August 28th with a request for detailed answers by September 8th. He noted that he has investigated numerous complaints concerning actions taking place on the property, and no violations of Township ordinances have been found. State agencies have found violations of state regulations and they are overseeing corrections.

The Zoning Hearing Board will be holding a hearing on September 13, 2016 at 6 pm to hear the combined request of Mr. & Mrs. Walsh of Sunrise Lake for a variance and appeal of the Zoning Officer's determination of a setback violation

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

MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the August 16, 2016 Treasurer's Report, Bill Payment List, and General Fund balance, and to sign the checks following the meeting.

Karen Kleist informed the Board that DEPG/Legend Properties requested Mike Weeks attend a meeting with PennDOT regarding their future HDP and how the new traffic light (resulting from Delaware Plaza) will tie into it.

**ITEM NO. 11:
PUBLIC COMMENT**

There were numerous people present with questions/concerns regarding the current activities at the former Mt. Haven property by the new owners.

Ivy Bellino of PMWL expressed concerns with how the new owners of the Mt. Haven property are operating. She asked where complaints should be submitted to, if they have a permit to run a camp, and if people are allowed to be there

John Pfuhrer of Mt. Haven Estates informed the board that the new owners said they will be building a gymnasium that will also be open to the public and they have had a recent fundraiser for it. He is concerned over the treatment of the children there - they have "lost" kids for a while, and people have seen kids working in all this heat while adults sit in the shade and supervise.

A resident on Log Tavern Road in front of Mt. Haven complained about noise - the other night they started with the pa system at about 11:00 pm. State Police said they could not do anything because the Township does not have a Noise Ordinance.

Thomas Duncan also questioned what they can or cannot do, and complained that he has had to clean up litter from his pond and the stream discarded by his new upstream neighbors.

Solicitor Klemeyer explained that the new owners have requested a Certificate of Use to continue operating similar to the previously existing Resort use; the Township is still currently reviewing information being provided, and a determination has not yet been made. New owners - of any

property - are not required to submit proof that they will continue to use the property as permitted prior to occupying the property. If a new use is introduced, it is dealt with at that time.

Bill Malson thanked the Board for doing a good job.

The Supervisors said they understand the concerns that have been expressed, but the new owners shall be treated just as we would any other new private property owner and given the benefit of the doubt, unless we are shown otherwise. Answers to most of the questions cannot be answered at this time until we get the requested information from the new owners (involuntarily if need be). Mt. Haven existed well before the Township ordinances, and is considered a Non-Conforming Use. The Township is working diligently to assure that our ordinances are followed; many of the complaints and concerns raised fall under the jurisdiction of other agencies (Children & Youth Services, State agencies, etc.). Supervisor Welsh noted that there are state law provisions regarding noise that the state police can enforce.

Chris Wood stated that he has been on the property numerous times and has not found any Township ordinances being violated. He also explained how to submit a complaint to the Township and noted that the new owners are holding off on submitting for building permits for repairs/upgrades until the issue of the zoning certificate of use is resolved. Solicitor Klemeyer emphatically stressed that the Township does not condone, nor are we suggesting trespassing to obtain documentation to back up a Complaint.

ITEM NO. 12: ADJOURNMENT

There being no further business, MOTION was made by Kerr Welsh, seconded by Dennis Brink, and unanimously carried to adjourn the August 16th meeting.

Respectfully submitted,

Karen Kleist
Secretary/Treasurer