

DINGMAN TOWNSHIP BOARD OF SUPERVISORS
SEPTEMBER 19, 2017 MEETING
AGENDA

**THERE 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 - September 5, 2017 Meeting
3. PUBLIC HEARINGS
 - a) Zoning Ordinance Amendment (#06-2017) - Camps
 - b) Zoning Ordinance Amendment (#07-2017) - RV Winterization Policy
4. OLD BUSINESS
 - a) Frank Trail Project - Request for Payment
 - b) Other
5. NEW BUSINESS
 - a) Other
6. SUBDIVISIONS / LAND DEVELOPMENTS
 - a) Boe Sewage Planning Module
 - b) Gorski Lot Improvement
7. CORRESPONDENCE
 - a) Isabel Hodges-Smith
 - b) Miscellaneous Correspondence
8. EMERGENCY SERVICES REPORTS
9. ROADMASTER REPORT
10. SEWAGE/ZONING ENFORCEMENT OFFICER REPORT
11. TREASURER'S REPORT / SECRETARY'S REPORT
 - a) Payment of Bills: \$39,476.59 General Fund
 \$ 2,610.58 Rec Fund
 \$ 21,392.47 Bridge Preserve Fund
 - b) General Fund Balance: \$ 1,047,498.86
12. PUBLIC COMMENT PERIOD
13. EXECUTIVE SESSION
14. 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; Tom Stevenson, Milford Fire Dept; Mark O'Brien, DTFVD; 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 stated that their was a brief meeting with the Fire Departments prior to this meeting to discuss the issues of attracting and retaining volunteers.

ITEM NO. 2: APPROVAL OF MINUTES

MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to approve the September 5, 2017 Minutes as presented.

ITEM NO. 3: PUBLIC HEARINGS**A) Proposed Zoning Ord. Amendment
No. 06-2017 re: Camps**

Solicitor Klemeyer opened the duly advertised Hearing on the proposed regulations for Camps. He explained the Amendment creates a "Camp" use and regulations for them, which previously were not addressed in the Ordinance. The Solicitor indicated that several large parcel within the township had been sold or marketed for sale within the last two years and the potential of those parcels being used as a camp led the Township to examine the current zoning ordinance as to Camp uses. That examination revealed that the ordinance does not specifically regulate camp uses, which led to this amendment being prepared. The proposed regulations would apply to new Camp applications, which will be restricted to 100+ acre parcels in the RC, RU and CP zoning districts. The ordinance was prepared by a profession Planner with input from the Planning Commission, Township staff, the Solicitor and Engineer.

The Township Planning Commission recommended approval of the Amendment as written. The County Planning Commission commented that they felt limiting "Day camps" to 4 weeks during the summer is too restrictive and suggested allowing them to operate during the entire school summer break. The Township Engineer was involved during the drafting process, so had no additional formal recommendation.

Comments and questions from numerous members of the public were received, including John Pfuhler, Rich Zingaro, Frank Aiello, Aly Wayne, Frank Bevera, Greg Latorto, Stacy O'Connell, and Ann Smart. Many of the comments and questions involved the enforcement of state regulations, which a Township official pointed out it has no authority to enforce. It was further clarified that the Township and the State may have differing definitions for certain terms (i.e. dormitories) and different regulations for differing purposes; local zoning is one layer and the state may have additional regulations.

In response to questions relative to density (20 people per acre max.) it was explained that this number was based on research by the Planner; to concerns over traffic on narrow, windy back roads, it was explained that camp uses would only be permitted in districts that have state road access so as to minimize traffic on local roads. The use of those state roads (mostly Rt. 6 and Rt. 739) would require traffic studies, etc. which would mitigate much of those concerns.

There was a general and continuing misconception on behalf of many of the public that this proposed ordinance was being adopted to regulate the current operations at Har Haven. It was explained that Har Haven's Certificate of Use is for that of a Resort use; they have not indicated that they have any intention of applying for a change to any other use. The Har Haven Resort is located in the NC and RI districts in which a Camp is not a permitted use.

Stacy O'Connell stated that Har Haven will be living there (their Resort); Tom Mincer represents them and has a conflict; he should not even be discussing this. Chairman Mincer responded to all present that his sole involvement was with the commercial real estate closing which he publicly disclosed before, during and after the fact. He has not represented them since the closing; he has and will continue to recuse himself as to any discussions about Har Haven. This proposed ordinance

has nothing to do with Har Haven.

Chris Wood gave a run down on the amount of hearing(s), studies and reviews that would be involved in an application for a Camp use under township zoning ordinance. That application could also require approvals under other Township ordinances and could require state permits for sewage, water, highway occupancy, and other issues. Solicitor Klemeyer explained how the township would respond to allegations of various violations of a permit.

Following the conclusion of comments and questions, MOTION was made by Kerry Welsh, seconded by Dennis Brink, and carried to adopt Ordinance No. 2017-06, Amendment to the Zoning Ordinance establishing a Camp use and regulations thereon. Supervisor Thomas Mincer abstained.

ITEM NO. 3(B):**Proposed Zoning Ordinance Amendment
No. 07-2017 re: RV Winterization**

A duly advertise public hearing was held to consider adoption of an amendment that would allow the winterization of screen porches on RVs utilizing certain materials and restricted to Oct. 15th to May 31st. Compliance would be jointly administered by the Township and Lake Adventure Community Association. Supervisor Brink noted that the amendment was requested by Lake Adventure so as to be able to protect their investment during the winter months.

The Township Planning Commission recommended that the Amendment not be adopted until the Policy/Procedures and materials limitations are submitted by Lake Adventure. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to continue the Hearing until the second October meeting (Oct. 17) to allow for receipt of the requested information from Lake Adventure.

ITEM NO. 4: OLD BUSINESS**A) Frank Trail Project Request for
Payment**

The Board was in receipt of a Request for Payment from May Brothers Landscaping in the amount of \$23,500 for installation of the Frank Trail. All work except the installation of the directional signage is complete. The net payment (less 10% retainage) would be \$21,150. Dennis Brink inspected the work, and other than a couple minor touch-up items is satisfied with the work done. MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to authorize a net payment to May Brothers Landscaping in the amount of \$21,150.00 for work done to date on the Frank Trail in the Bridge Nature Preserve.

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

There was no Other Old Business at this time.

ITEM NO. 5: NEW BUSINESS**A) Other New Business**

There were four Boy Scouts present working on one of their badges. Joshua Wooster, Gary Dean, Cole Yankalunas and Zane Yakalunas were present for the entire meeting.

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

A) Boe Sewage Planning Module: The Board reviewed the Sewage Planning Module being completed in order to obtain a sewage permit for an additional house on the Beaver Lake Lodge property. The Planning Commission recommended approval and noted that Mr. Boe will be submitting a Land Development application also. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the Boe Sewage Planning Module for forwarding to PaDEP.

B) Gorsky Lot Improvement: The Board reviewed the proposed lot improvement and documentation including deeds, letter from the Planning Commission recommending approval, letters of adequacy from the Township Engineer and County Planning Commission. MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to approve the Gorsky Lot Improvement combining lots 2804 and 2805 of Conashauh Lakes, to be known as Lot 2804A.

ITEM NO. 7: CORRESPONDENCE**A) Isabel Hodges-Smith**

The Board received correspondence from Isabel Hodges-Smith informing that her sister - Sheila Hodges - a lifelong resident and Biology teach at DV High School passed away suddenly this year. Her students and friends would like to honor her memory by planting 100 evergreen seedlings and

**ITEM NO. 7(B):
Miscellaneous Correspondence**

500 daffodil bulbs; they would like to do this at the Bridge Nature Preserve. The Board was agreeable to the idea; the details will need to be worked out.

The Board reviewed various Miscellaneous Correspondence and had no comments.

**ITEM NO. 8:
EMERGENCY SERVICES REPORTS**

Tom Stevenson of Milford Fire Department reported that they have had 401 EMS and 223 Fire dispatched this year to date. They have received their new ambulance; training is on-going.

DTVFD Chief Mark O'Brien reported that they had 27 Fire and 105 EMS dispatches in August. Their new ambulance has been certified and is in service.

**ITEM NO. 9:
ROADMASTER REPORT**

MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to approve the August 28-September 10, 2017 Roadmaster Report as submitted.

**ITEM NO. 10:
SEWAGE / ZONING OFFICER REPORT**

Chris Wood reported on the following:

- The bill that would allow for systems currently classified as "Alternate Systems" to be used for planning purposes has now been signed into law.
- DEP has called a meeting of the Sewage Advisory Committee for October 4th; Chris will be attending.
- There will be a Variance Hearing before the Zoning Hearing Board for a side line setback variance in Sunrise Lake.
- Testing for the Sunrise Lake Section 9 sewage system replacement is complete for now. 43 test pits, 131 perc tests, and 10 hydro-conductivity tests were done.
- Chris read a Summary of his determination of the Mount Haven Temporary Certificate of Use. Based on the amount of repairs and renovations done to bring the facility to acceptable standards, he has extended the Temporary Certificate of Use to June 30, 2018 to allow for the owners to: 1. complete necessary upgrades to the water system; 2. to operate as a resort through the winter, spring, and early summer seasons; and 3. to allow for the Zoning Officer to monitor the use to determine if it is being used legitimately as a resort prior to the next exclusive reservation by SCHL. Any party aggrieved by the determination has 30 days to appeal it before the Zoning Hearing Board. The full report can be viewed on the Township website.

At this time public comment/questions on the Mt. Haven determination was entertained. Questions were received from Willy O'Connell, John Pfuhler, and Jen Zingaro. Danielle Pietrucha stated that they have numerous DEP infractions.

**ITEM NO. 11:
TREASURER'S & SECRETARY'S REPORT**

MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to approve the September 19, 2017 Treasurer's Report, Bill Payment List and General Fund balance, and to sign the checks following the meeting.

Karen Kleist reported on the following:

- The Rec Board would like to reduce the minimum age for participation in the Pike Eating Contest from 14 to 12 years. Parents sign consent forms for all minors. The Board agreed to reduce the minimum age.
- Habitat for Humanity recently purchased the lot next to the Grange Building on Fisher Lane (NC zone) and would like to erect a storage building (less than 5000 sf). After speaking with them, Chris Wood determined that it would be a Warehouse use, which currently is a use not provided for. Habitat is requesting the Board consider amending the ordinance to allow small warehouses in the NC district. The Board directed the Secretary to contact our Planner to get his recommendation and input.

- Wayco is starting the work on Springbrook Road on Friday, and Jim Snyder is asking if he should come in to oversee the work. The Board authorized Jim Snyder to come in on Friday to oversee the paving work as needed.

ITEM NO. 12: PUBLIC COMMENT

Greg Latoro informed the Board that he attended the last DRBC meeting where they passed a Resolution to draft regulations banning fracking entirely in the Delaware River Basin, but to allow water to be taken from and fracking wastewater can be brought in to be processed and disposed of in the basin. He offered to come to meetings and keep the Board updated. The Board welcomed the information.

ITEM NO. 13: EXECUTIVE SESSION

The Board recessed to Executive Session to discuss potential litigation.

ITEM NO. 14 ADJOURNMENT

There being no further business after reconvening the regular meeting, MOTION was made by Dennis Brink, seconded by Kerry Welsh, and unanimously carried to adjourn the September 19th meeting.

Respectfully submitted,

Karen Kleist, Secretary/Treasurer