

CHESTNUTHILL TOWNSHIP SUPERVISORS
ROUTE 715, BRODHEADSVILLE, PA 18322
MINUTES OF MEETING - OCTOBER 3, 2006

A regular meeting of the Chestnuthill Township Board of Supervisors was called to order at 7:00 p.m. on Tuesday, October 3, 2006, at the Municipal Building, Rte 715, Brodheadsville. Those present were Chuck Gould (Chairman), Maureen Tatu (Vice-Chairman), Leigh Kane (Supervisor) and Atty. Joseph P. McDonald, Jr.

The **Pledge of Allegiance** to the Flag was led by Al Bourke.

Executive Session. Was held on September 19th for a personnel matter.

Unit Care Agreement.

Mr. & Mrs. Spitzfaden was present to ask the Board to build an addition for Mrs. Spitzfaden's mother to move into their home as she can no longer live by herself. All the documents were in order. On motion made by Leigh, seconded by Maureen it was voted to approve and sign this Unit Care Agreement. (3-0)

Public Comment.

Resident Mike Vianello. There was an accident on Rte 715 & Effort Neola Road, the junior firefighters came to the incident and I wanted to let you know they did a great job. There was subsequently a second accident and I think that there is poor police protection. We should look into sheriff enforcement.

Batting Cages. Purchased them and didn't receive them? Chuck said we did purchase them, however there was miscommunication and ultimately they were sold.

Mazon Lawsuit. What is the status. Atty. McDonald did not have that information, however, it is a lawsuit and it is confidential.

Lake Mineola Road. Full of potholes. Road is in pitiful condition.

Township Manager & Office Manager. Why two people. Chuck explained they both have different areas of the management team to be responsible for, they both do multiple duties for the same amount of pay and there is no need for working supervisors.

Nuisance Ordinance. Why wasn't it put on the homepage of the website. I am opposed to it, it is a violation of the US Constitutional rights and the PA Constitutional rights.

Resident Mr. Calderone. Who is going to enforce this ordinance? Chuck said it could be the Zoning Officers, it could be our Engineer, or Leigh Valley Inspection Service.

Resident Louis Van Why. It is crazy that people can enter your property without permission. That won't happen on my property. Atty. McDonald cited the section that does not allow this to happen without a court order.

Resident Steve Warner. I am totally against this, I run cars in demolition derby's and keep my cars on my property covered with a tarp from one year to the next.

Resident Al Bourke. The Zoning Officer or the Town Engineer can go on your property to inspect, we have only spoke about this twice. Chuck said a determination on who will inspect has not been made yet.

Resident Mr. Kunkle. I am totally against this, we will lose our grandfather rights.

Resident Mike Vianello. Again, totally against this ordinance, made some comments to the Board and threatened litigation. Chuck said, now public comment on this issue is closed, we had two public meeting's to hear comments and no one came out, we let you talk tonight because of the turnout of people but Mike, when you threaten the Board with litigation against us, now the public comment is closed. Mike if you feel strongly against this ordinance, put your comments in writing and submit them to the Board for review.

Resident Mike Vianello. Haunted Forest what's the deal with that? Chuck said we had 150-200 kids to work the

haunted forest and only about a dozen parents to work. It was a matter of security for everyone involved. The park committee recommended that it not be held this year to give us time to regroup and get the help we need. The Township invited 5 adults and 5 youths to a meeting to get this organized for next year. The turnout was good, there were a lot of good ideas and now they can meet with the park committee on the first Wednesday of every month at 7:00 p.m. at the park building to get next year's haunted forest underway.

Resident Mike Vianello. Why did we hire Jaflo tree service at \$1100.00 per day? Chuck said we need them to do tree canopy work, they have bucket trucks that can go as high as 60 feet in the air and they were the lowest bidder. Mike thinks this will destroy the beauty of the area.

Minutes. On motion made by Leigh, seconded by Maureen it was voted to approve the minutes of the September 19th meeting, as distributed. (3-0)

Correspondence.

MC Vector Control. We have received a letter from Jacquelyn A. Hakim, Director regarding the gypsy moth spraying to let us know that Chestnuthill Township only has one area; a strip on Rte 115 in Effort which includes a small section of Sierra View. It is her opinion that nature will take care of this next spring without any intervention on our part. The Board was in agreement.

MC Planning Commission. A letter regarding their Meeting the Challenge Award Program which recognizes innovative site design within major subdivisions and land development projects.

MC Emergency Services. A letter from Guy Miller, newly appointed Director of Emergency Services to introduce himself to everyone.

Park Meeting. Next meeting is being held at the park building on October 5, 2006 at 7:00 p.m.

Master Site Plan. We are holding a meeting on Thursday, October 5th for all the sports organizations to get their ideas for the Romascavage park. On Wednesday, October 11th at 7:00 p.m. a public meeting will be held to see what will be needed for this project. This is an active recreation park, all are welcome to come to the meeting and give us your idea's.

Township Manager.

Freon Removal. Dave told the Board that Mr. Mortimer who was awarded the freon removal bid had verbally withdrew his bid during a prior meeting held at the Township. Dave asked the Board authorization to negotiate a new contract with the next lowest bidder. A brief discussion ensued and on motion made by Leigh, seconded by Maureen it was voted to reject all freon bids received, since Mr. Lee Mortimer's bid was withdrawn, and to allow Dave to enter into negotiations from now until the end of the year for freon removal. (3-0)

Mr. Baker. Suggested we train an employee to do freon removal to save the costs to the Township.

Old Business.

Nuisance Ordinance. We had two previously held public meetings and took comments, also allowed comments to be made tonight from the residents in attendance. A brief discussion ensued and on motion made by Maureen, seconded by Leigh it was voted to approve and sign nuisance ordinance 2006-10. (3-0)

New Business.

Liquor License - Peter Maynard. Mr. Maynard is the current operator of West End Lanes in the Ames Plaza on Rte 209 in Brodheadsville. It is open from 2pm until 10pm and weekends until midnight. He would like to move a beer liquor license from Blakeslee. Part of the requirements are that a public meeting must be held and the Board of Supervisors must pass a resolution approving this move of the license. A brief discussion ensued and a work session was set for Monday, October 9th, and a public hearing will be held on October 17th at 6:30p.m. On motion made by Maureen, seconded by Leigh it was voted to hold the work session and the public hearing as stated above. (3-0)

Bills. On motion made by Maureen, seconded by Leigh it was voted to pay the general fund bills. (3-0)

Plans.

Wentz, Jessica. (Preliminary Land Development)Keystone Engineering. It was asked via phone to table this plan tonight. On motion made by Chuck, seconded by Maureen it was voted to table this plan tonight and to have it placed on the October 17th agenda. (3-0) (**open ended waiver**)

Mountain Crest Plaza/Superior Custom Homes. (Preliminary/Final Land Development) East Penn Engineering. In for final approval. John Rodgers, Engineer was present on behalf of this plan. The HOP is still outstanding. Engineer McDermott's comment letter dated 9/19/06 was reviewed. The original developers agreement needs to be submitted, a copy was reviewed and to change the date of Engineer inspection from 7 days to 15 days. A performance bond has been received and a sewage maintenance agreement. On motion made by Chuck ,seconded by Leigh it was voted to conditionally approve this plan subject to receiving the original Developers Agreement, receipt of HOP, and all outstanding engineering review fees. The traffic in lieu donation and the park and rec fees had been received. (3-0)

Mountain Crest Planning Module. Everything is complete per Helen Beers, SEO; and on motion made by Maureen, seconded by Leigh it was voted to approve and sign planning module resolution 2006-23. (3-0)

Kal-Tac Inc. (Land Development Plan/Reverse Subdivision Plan) Effort Associates. In for final approval. It was asked via phone to table this plan tonight. On motion made by Chuck, seconded by Maureen it was voted to table this plan tonight and to have it placed on the October 17th agenda. (3-0) (**open ended waiver**)

Atty. Joe Hanyon-Rte 209 proposed right-of-way extention. Atty. Hanyon stopped in before the meeting and asked that this issue be tabled tonight. On motion made by Chuck, seconded by Maureen it was voted to table this until the October 17th agenda. (3-0)

Dunkin Donuts/Baskin Robbins (Land Development) Kenderian-Zilinski. In for final approval. It was asked via phone to table this plan tonight. On motion made by Chuck, seconded by Maureen it was voted to table this plan tonight and to have it placed on the October 17th agenda. (3-0) (**open ended waiver**)

Dunkin Donuts/Baskin Robbins (Minor Subdivision) Kenderian-Zilinski. In for final approval. It was asked via phone to table this plan tonight. On motion made by Chuck, seconded by Maureen it was voted to table this plan tonight and to have it placed on the October 17th agenda. (3-0) (**open ended waiver**)

Weis Markets. (Prelim/Final Plan)First Capitol Engineering. In for final approval. It was asked via phone to table this plan tonight. On motion made by Chuck, seconded by Maureen it was voted to table this plan tonight and have it placed on the October 17th agenda. (3-0)(**30-day waiver or until 10/23/06**)

Chestnuthill Self Storage (Minor Subdivision) Hanover Engineering. Jeff Schwartz was present on behalf of this plan. Engineer McDermott's comment letter dated 9/29/06 was reviewed. Several waivers were requested:

Section 703.e Not to show improvements on the plan. On motion made by Leigh, seconded by Maureen it was voted to approve this waiver. (3-0)

Section 1009.a No sewage on the site. This waiver was withdrawn by Jeff Schwartz.

Section 1010.a.1 No water at the site. This waiver was withdrawn by Jeff Schwartz.

On motion made by Leigh, seconded by Maureen it was voted to approve this minor subdivsion subject to all fee's being received. (3-0)

Chestnuthill Self Storage(Prelim/Final LDP) Hanover Engineering. Jeff Schwartz was present on behalf of this plan. Engineer McDermott's comment letter dated 9/29/06 was reviewed. This is an expansion of an existing storage facility. Several waivers were requested:

Section 1009.a Not to provide sewage, porta potties on the site. On motion made by Maureen, seconded

by Chuck it was voted not to provide sewage but the porta pottie must be **removed** from the site. (2-1)
(Leigh opposed)

Section 1010.c No water at the site. On motion made by Leigh, seconded by Maureen it was voted to approve this waiver. (3-0)

Section 503.d.c.14 & 505. Not to comply with conservation design process. On motion made by Leigh, seconded by Maureen it was voted to approve this waiver. (3-0)

Section 1008.f.6 Allow 3 to 1 side slopes instead of 5 to 1. On motion made by Maureen, seconded by Leigh it was voted to approve this waiver. (3-0)

Section 1008.f.11 Not show access easement for storm water maintenance purposes. On motion made by Leigh, seconded by Maureen it was voted to approve this waiver. (3-0)

Section 1008.f.2 & 303.a.1 Allow less that required 2' free board. On motion made by Maureen, seconded by Leigh it was voted to approve this waiver. (3-0)

Section 1011.b. Not to provide a dumpster. On motion made by Maureen, seconded by Leigh it was voted to approve this waiver. (3-0)

Conservation District E&S approval still pending. Developer's Agreement and LOC have been received. The Board agreed no sidewalks or pathways necessary. On motion made by Maureen, seconded by Leigh it was voted to conditionally approve this plan subject to receiving the outside agency's approvals and all outstanding fee's. (3-0)

Adjournment. There being no further business, on motion made by Chuck, seconded by Maureen it was voted to adjourn into executive session on a litigation issue at 9:28 p.m. (3-0)

Respectfully submitted,

Cathy A. Baker
Recording Secretary