

Paupack Township Board of Supervisors

Meeting Minutes of June 13, 2019

The Paupack Township Board of Supervisors conducted their monthly meeting on Thursday, June 13, 2019 at the Township Municipal Building. The meeting was called to order at 6:30 PM by Chairman Bruce Chandler.

The following Township Officials were present at the meeting

Bruce Chandler, Chairman Jim Martin, Supervisor Leigh Gilbert, Supervisor Ronald Bugaj, Solicitor
Cheryl Scartelli, Asst. Secretary/Treasurer

The following members of the public were present at the meeting

Beth Vail Melanie Stockwell Frank Williams Jean Corey Dennis Stinson Steve Rabel
Frank Pocoro Hawkeye Rollison Skid Rollison George Ammerman Rolin Edwards

Chairman Bruce Chandler opened the meeting by asking all present to participate in the Pledge of Allegiance.

Chairman Bruce Chandler explained that we switched things out. If anyone wants other documents there is sheet on the table that you can request it. He stated a lot of the stuff we throw away but if you want it we will reproduce it for you.

The Treasurers Report was presented. A motion was made by Jim Martin to accept the Treasurers Report as presented, seconded by Leigh Gilbert. The motion carried 3 - 0.

The meeting minutes for the May 9, 2019 Board of Supervisors were presented. Jim Martin made a motion to accept the minutes as presented, seconded by Leigh Gilbert. The motion carried 3 - 0.

The bills totaling \$81,815.76 from May 10, 2019 through June 13, 2019 were presented. Following a review, a motion was made by Bruce Chandler, and seconded by Jim Martin to accept the bills as presented, and pay same. The motion carried 3 - 0.

Fire Company Log for May

See Agenda

Ambulance Log for May

The ambulance call log is available at the front table.

Building & Zoning Log for May

See Agenda

Update on Zoning Hearing Board Variance Application Christopher Borton

Bruce Chandler explained that the variance application was withdrawn and The Zoning Hearing Board Hearing that we set for June 19, 2019 at 6:00 is cancelled. It was withdrawn by the applicant. Ron Bugaj added that it was good that the township authorized him to intervene on behalf of the township. He added that it went to the Planning Commission and they came up with a very reasonable suggestion to resolve this without having to go through it. The landowner was here and accepted the proposal and it all worked out well for everybody. Bruce Chandler added he did pay quite a bit of money up front and we spent half of it. Ron Bugaj added that the Planning Commission recommended that any unused costs be returned to the applicant.

Subdivisions

Standen Minor Subdivision / Lot Combination (2019-5) was approved by the Planning Commission. Dennis Stinson added this is 3 into 1 and the county had some comments about the names of the roads. Ron Bugaj added that the Planning Commission approved it and found it to be acceptable. He said he reviewed the proposed deed and it is acceptable so they will sign the maps accordingly. Bruce added this subdivision is in Hawleywood, a very old subdivision. Bruce Chandler asked if there was a motion to accept this lot combination. Jim Martin made a motion to accept, seconded by Leigh Gilbert. The motion carried 3-0.

Vail Residential Land Development Application (2019-6) that was presented to the Planning Commission and was not recommended for approval to the Supervisors. Bruce Chandler said conferring with our attorney there is a restriction in the deed that stops this subdivision from being approved. Attorney Bugaj said there is specific covenant that says use of the premises are for the construction/occupancy of one single family dwelling and in this case the applicant is looking to put two residences on one lot. He added even though there is a further covenant that says you can subdivide, it is not subdivided yet. Attorney Bugaj added that the Planning Commission did not want to give township approval to something that clearly flies in the face of a restricted covenant. He added it would be inviting a lawsuit and we do not want a lawsuit. Bruce Chandler added that the restriction in the covenant would have to be removed out of the deed by either Beth Vail or the Strong family who originally subdivided the property. Beth Vail said she was told a Land Development by definition is a subdivision. Bruce Chandler said it is but she has not drawn any lines yet. Beth Vail added that when she was in negotiations with the Strong Family to purchase that property, this is the deed that they originally presented on May 7, 2010 which clearly says it cannot be subdivided. She added that she told them she possibly wanted to build two houses over there so they had their attorney rewrite the deed and that was the revised deed that added that language that seems to be the problem. She added it is this language that allows me to do what I am proposing to do. Attorney Bugaj added in all due respect it isn't. He said it is the language that allows you to subdivide the property. He added what you can't do according to the deed is violate Covenant A which is take this one piece and put two houses on it without subdividing it. Land Development is governed by the Subdivision Ordinance, SALDO and he said that Land Development is not a subdivision per say. Rolin Edwards added if you read the definition of Land Development it states that it is a Minor or Major Subdivision and has to be treated as such. Attorney Bugaj said the lot isn't subdivided. Rolin added you have to have a line if the law says that a Land Development is a subdivision then that is the subdivision. Rolin Edwards added by requiring someone to put a line between two buildings, all that does is take land away from the people that they can't use. He added that is where Land Developments are permitted so you can have more than one principal structure on a piece of property and still call it a subdivision. He said if you look at the PA Municipal Planning Code or even the Subdivision Ordinance it tells you that is a subdivision. Beth Vail added she does not want to delay this anymore and she would not have trouble subdividing it if that is what she has to do but she does not want to delay the process from being able to move forward. She stated she already has the Highway Occupancy Permit and the 911 sign for her second lot or parcel from the County. She added she does not have a problem drawing a line but she does not want to delay the process another half a year to do that. She added she can continue doing that if you allow her to continue with her plans for construction of that second house. Attorney Bugaj added that what Rolin Edwards neglected to mention is that the specific Covenant B in the deed says acceptance provided below the premises conveyed are not to be subdivided in any future time nor should any principal buildings be constructed on the premises in addition to one single family residence. Beth Vail said her argument is that language is there in the deed to do what she needs to do but maybe she is going about it the wrong way. She said she would like to do what her plans are and continue to the subdivision if that is what it takes but that is going to take another couple months. She said she does not have a problem doing the subdivision if that is what it takes. Attorney Bugaj said it appears it is the cart before the horse. It appears the subdivision should come first then the building permit should be issued for the second house especially in light of the covenants here. Attorney Bugaj said he is not going to change his opinion and the Planning Commission made their recommendation and it is now up to the Township. Attorney Bugaj said he disagrees with Rolin Edwards. Jim Martin asked if there were any other issues other than the actual subdivision. Ron Bugaj said we are waiting for the Component to come back and the map was not right. Beth Vail said she got the county restrictions and she modified because of the restrictions. She said there were no issues with the setbacks. Attorney Bugaj said they didn't look at all the county comments in depth and consider everything because they hit a roadblock of they didn't think she could put two houses on a lot when the deed restriction says you can't. So they stopped at that point. Attorney Bugaj asked what is the applicant seeking here tonight. Is it permission to clear the lot, is it permission to

construct the building or ask for a building permit or a zoning permit or a subdivision. Beth Vail responded that she wants to continue. She added that she doesn't want to spend money and get a septic design if this is going to be denied. Attorney Bugaj said the only concern about the subdivision aspect is that the township would be concerned that her buildings are located in such a way that (A) that you do not violate that covenant and (B) when you do create two separate lots all the septic stuff and well stuff for one house is on one lot so we do not have a problem trying to create two parcels that look like jigsaw puzzles. Beth Vail said that is why she did the second map to show this, but Attorney Bugaj said we have not seen the second map and this is the first time they had a chance to look at it. Attorney Bugaj said you do not need a permit to cut trees off a lot or go out and get a septic/perc test. He said as a legal opinion and he does not speak for the township, presuming she can satisfy the conditions of the covenants which he said should not be that hard, you have to create two separate equal lots that conform with our Subdivision Ordinance, he doesn't know why we wouldn't grant it. He said he would not give the opinion that we should issue a building permit or a zoning permit or even approve this concept until we agree to go ahead. Attorney Bugaj said he thinks the Planning Commission should look at it. He asked Beth if she can get the Strongs to sign off and ask them to lift the covenant. Jim Martin said he learned a long time ago that if we have a legal opinion we should probably stick with it. Attorney Bugaj said why not think of a way to expedite for the benefit of the applicant instead of making a hasty decision. Bruce Chandler added that we do not want to hold this up if we do not have to and in all fairness we try to do the best we can and if we need to hold a second meeting so she can get her ducks in order then we can make this fly for you but she has some things that needs to be done. Beth Vail asked what needs to be done. Bruce Chandler said to get the covenants pulled out of the deed. Attorney Bugaj said that she can present this new map if the Planning Commission can hold a meeting Thursday and ask them to review it then. Bruce Chandler said they can't do any more for her. Bruce Chandler said they have to abide by their attorney's legal opinion. Attorney Bugaj said there are certain maps that we can accept and this is why he doesn't want to do this in a hurry. He said it has to have seal. He said they should really look at the map and that could be done next Thursday at the Planning Commission Workshop. Attorney Bugaj said that our maps need to be signed by an engineer/surveyor. He said he doesn't think an architect can do that according to the ordinance. He said she can do an amended deed or a corrective deed or they can sign a deed effectively negating the restrictive covenant. He asked if there is going to be a shared well and she said no it is shown on the map. Ron Bugaj added that the map isn't right with the well because it says existing well when it should say proposed well. Our ordinance does say under number 31 that it should be sealed and stamped by a professional land surveyor and he said we are bound by our ordinance. Beth Vail asked if she gets the deed restriction from the Strongs is the Land Development Plan something that would be approved? Attorney Bugaj said no it is not drawn by a professional land surveyor and that is what our ordinance says you got to have. Bruce Chandler said she would have to meet that requirement. He added that we can't move forward with this until Beth decides what avenue she wants to take and then do a presentation on it. Bruce Chandler made a motion to table it, not deny it or approve it based on a new set of plans that meet the township's municipal planning code ordinance. He added we have to take our attorney's opinion. Jim Martin seconded the motion, the motion carried 3-0.

Old Business

There is a second payment that will be made on June 19, 2019 on the John Deere Loader in the amount of \$48,853.99. Bruce said it is already in the bills. Bruce Chandler made a motion to pay this amount, seconded by Jim Martin. Motion carried 3-0.

Starting with this meeting, we will be using the Document Order Sheet that was discussed at last month's meeting. Bruce Chandler added this is not a Right-To-Know. He said if there is a document from the meeting that is not on the table we will provide it for you. Jim Martin said that at our last meeting we talked about paperless access. He did get a proposal from our IT consultant and he will pass it around so we can discuss it at our next meeting. He added what it is generally the use of iPads and a TV screen here that we would be able to share the documents electronically. He said it is something we might want to think about.

Congratulations to the Assistant Secretary, Treasurer, Cheryl Scartelli. She was sworn in as a Notary Public on May 14, 2019 and her commission expires on May 14, 2023. Bruce Chandler added that we do have a Notary here for the general public.

The 2003 Chevrolet Flat Bed was placed on Municibid until June 12, 2019. There was no bid activity at that time. It will be placed on Municibid again in November. Bruce Chandler said that the new truck that is going to replace this will not be delivered until early winter.

New Business

Approval to create and manage a Facebook page for the Township. Jim Martin said we will talk about some structure. Ron Bugaj added that the Planning Commission said it would be great if we can get information out to property owners and tax payers in the township. Frank Williams added that the Planning Commission does think this is a good idea. Bruce Chandler added that Jim Martin can work with Cheryl Scartelli on what parameters and how we want to use it.

Approval to purchase New Case DV26 Double Drum Roller. Bruce Chandler said that their drum roller now is unsafe to use and is approximately 45 years old. We want to purchase this for blacktop and paving in the amount of \$39,817.22 from Medico Industries. We get a \$16,745.24 discount through CoStars and a Repeat Customer Discount of \$950.00. Within this same motion is approval to purchase a 16 ton Felling Trailer in the amount of \$13,531.12. It is under a similar program like CoStars which is NJPA Discount . The discount is \$1592.88. Bruce Chandler made a motion to approve these two amounts, seconded by Leigh Gilbert. The motion carried 3-0.

The Lakeville Food Pantry will be on Thursday, June 27, 2019. There will be lunch served that day as well at the Lakeville Fire Co. All are welcome.

Jim Martin asked if we can set a hearing date for the Lake Region Comprehensive Plan for 6:00 pm just prior to our July 11th meeting. We do need a stenographer. Jim Martin put this as a form of a motion.

Public Comments

Steve Rabel asked for a copy of the bills and was given them.

Boy Scouts Troop 129, Hawkeye Rollison is working on Eagle Scout.

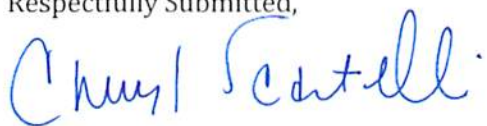
Jean Corey added that tomorrow is flag day and she just gave the Boy Scouts two flags to take care of.

Bruce Chandler had one more thing. He stated we had a property maintenance situation where a certain person in the township was burning after hours and he was warned once and one of the other township workers was with him. After he was told about it he turned around and burned again. After dark he was burning and Bruce added he called the fire company and had the fire put down. He was given copies of the ordinance and three different violations that he has. Bruce Chandler made a motion to have Ron Bugaj handle it and it will go to the Magistrate in the proper time constraints under the property maintenance regulations . He added we have to comply with the notices . He will be served. He added it is the old tavern up the road.

Adjournment

Chairman Chandler asked if there was anything else to come before the Board. Hearing none, the meeting was adjourned at 7:34 PM.

Respectfully Submitted,



Cheryl Scartelli, Asst. Secretary