

January 21, 2016

Organization Meeting

On January 21, 2016 the annual reorganizational meeting of the Eldred Township Planning Commission was held at 7:30 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, Pa. 18058.

In Attendance: Helen Mackes, Charles Phillips, Archie Craig, Carey Krum, Robert Boileau, Mike Kolba, Gary Hoffman, Solicitor Daniel Lyons, Engineer Brien Kocher

Meeting Called to Order: The meeting was called to order at 7:30 by Helen Mackes

Appointments:

- A motion was made by Charles Phillips and seconded by Carey Krum to appoint Helen Mackes as Temporary Chairman. Motion carried (7-0).
- A motion was made by Archie Craig and seconded by Mike Kolba to appoint Robert Boileau as Chairman. No other nominations were forthcoming.
- A motion was made by Gary Hoffman and seconded by Carey Krum to close the nominations. Motion passed (7-0). A vote was called to approve the nomination of Robert Boileau as Chairman. Vote passed (7-0).
- A motion was made by Carey Krum and seconded by Charles Phillips to appoint Helen Mackes as Vice Chairman. No other nominations were forthcoming.
- A motion was made by Gary Hoffman and seconded by Mike Kolba to close the nomination. Motion carried (7-0). A vote was called to approve the nomination of Helen Mackes as Vice Chairman. Vote passed (7-0).
- A motion was made by Helen and seconded by Carey Krum to nominate Charles Phillips as Board Secretary. No other nominations were forthcoming.
- A motion was made by Mike Kolba and seconded by Archie Craig to close the nomination. Motion Passed (7-0). A vote was called to approve the nomination of Charles Phillips as Board Secretary. Vote passed (7-0).

Meeting Dates and Times:

- A motion was made by Archie Craig and seconded by Charles Phillips to continue to meet on the third Thursday of each month at 7:30 at the Municipal Building. Motion Carried (7-0).

Adjournment:

- A motion was made by Carey Krum and seconded by Gary Hoffman to adjourn the reorganizational meeting. Motion Carried (7-0). Meeting adjourned at 7:37 P.M.

Respectfully Submitted,

E. Ann Velopolcek
Planning Commission Secretary

Cc: Eldred Township Board of Supervisors; Monroe County Planning Commission; Solicitor Daniel Lyons; Solicitor Ronold Karasek; Engineer Brien Kocher; SEO Jacob Schray; Zoning Officer Ellerslie Helm.

January 21, 2016

Planning Commission Meeting Minutes

On January 21, 2016 at 7:37P.M., the monthly meeting of the Eldred Township Planning Commission was held at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, Pa.18058.

In Attendance: Robert Boileau (Chairman), Helen Mackes (Vice Chairman), Charles Phillips (Secretary), Archie Craig, Carey Krum, Mike Kolba, Gary Hoffman, Solicitor Daniel Lyons, Engineer Brien Kocher

Meeting Called to Order: The meeting was called to order by Robert Boileau at 7:37 P.M. Mr. Boileau recognized Helen Mackes for her years of service and continuing service as a member and as Chair of the Committee.

Approval of the Minutes of December 17, 2015:

- A motion was made by Mike Kolba and seconded by Archie Craig to approve the minutes of December 17, 2015. Motion Passed (6-0). (Gary Hoffman abstained as he was not a member at that meeting.)

Public Comments relating to the Agenda: There were no public comments relating to the agenda.

New Business: Solicitor Lyons made the suggestion the Nestle be heard last as that would be the longest discussion. All agreed.

Walters Subdivision: Robert Boileau noted that we can charge a fee to review Sketch plans as they do require resources. No fee is being charged currently but the idea might be considered.

Don Lewis of the Penn East Pipeline and Dan Murphy of Western Land Services appeared for the Walters regarding the subdivision in which lot 2, the larger portion (100 acres), will be eventually going to the Pennsylvania Game Commission (GL 168). Mr. Murphy explained the proposal to transfer the property first through a purchase by The Wildlands Conservancy, then convey to the Gamelands upon their approval process. The transaction is anticipated to take between 3-6 months. The request being made currently is that the transfer be considered as a transfer to the State Gamelands, with regards to the access road (already existing.)

Mr. Boileau asked Mr. Murphy why the property would transfer first to the Conservancy. Mr. Murphy explained that the State has an approval process and conservancy has been set up to acquire properties for the State then convey the properties to the state when they are prepared. Mr. Murphy indicated there would be no development of the property through either transfer.

Mr. Lewis proposed a waiver for the width of the easement (existing) in a narrow portion of the road.

Ms. Mackes asked if this conveyance is always the way the Game Commission acquires property. Mr. Murphy said occasionally they purchase an option but typically this is the way.

Mr. Murphy submitted a letter from the Game Commission and the Wildlands Conservancy.

Mr. Phillips asked if the land would then be in the Gamelands for perpetuity. Mr. Murphy answered yes.

There was discussion about the easement and the conveyance of the property regarding the access easement as relates to the ordinance(s) (607), and perc test. The intermediary creates a conflict. He suggested a possible solution.

Proposed Water Extraction Definition: At the Jan. 4, 2016 Board of supervisors meeting a motion was made to change the definition of Water Extraction from "manufacturing/light" to "industry". There will be a public hearing. Mr. Boileau asked for a motion.

- A motion was made by Gary Hoffman and seconded by Archie Craig to make a recommendation to the Board of Supervisors that the definition be changed.

Discussion followed. Solicitor Lyons suggested specific standards be noted in the recommendation especially with regard to "industry, manufacturing and manufacturing light. Brien Kocher agreed that a specific set of criteria would be useful to the Supervisors and or the Zoning Hearing Board to evaluate the application. He stated that the only thing a Zoning Hearing Board has to go on are general conditions which are a bit vague.

Phillip Charles commented his belief that the application should have no standing while the Ordinance is in litigation, therefore the application should be rejected. Solicitor Lyons disagreed.

- Gary Hoffman amended his motion to include that special provisions be attached to the definition for clarification. Motion Carried (7-0).

Review of Nestle Application for Special Exception: Mr. Boileau noted that the Planning Commission is an advisory Board only and the Planning Commission has no authority to make any decision on the application. Solicitor Lyons added that the Planning Commission will make a review and recommendation to the Zoning Hearing Board. Mr. Boileau noted that in Section 1208 the standards and criteria state special exceptions

“the proposed use or location shall not result in substantial or undo adverse effects on adjacent properties” referenced are traffic conditions, adjacent property values public health, safety or general welfare, either as they now exist or a they may exist in the future. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.”

He stated the in his opinion the main thing is “the applicant shall supply evidence regarding compliance with the express standards and criteria contained here.”

In effect the Zoning Hearing Board has the authority to deny the application.

Solicitor Lyons remarked that as to specific standards, the applicant has the burden of proof. As to the general standards applicant has the burden of persuasion.

At this point various people from Nestle reviewed the application in parts.

Appearing for Nestle were Eric Andreus, Tim Weston; Council, Edward Davis-MBC Development, Louis Vittorio (hydro geologist, Earth Res), Earl Armitage, (traffic, Pennoni), Robert O’Neal, (environment, Eplison Associates,).

Mary Anne Clausen announced she would be audio recording. There were no objections.

The review was of the information provided by Nestle in the application (available at the Municipal Building or online at <http://www.nestlewaterspa.com/chestnutsprings>).

Mr.Kocher asked if the existing trucking operation will continue and Tim Weston answered yes.

Mr. Craig asked if the proposed operation was 7 days. Earl Armitage answered yes.

Mr.Kolba asked what could trigger a reduction or shut down. Eric Andreus answered the flow rate of the Buckwha. Tim Weston added that the Delaware River Basin Commission would have that authority not the DEP.

Mr. Craig asked about the number of trucks per day. Earl Armitage answered the proposed number is 30 trucks, 60 trips per day, between the hours of 6 am and 11 PM.

Vernon Barlieb asked about the excavation of material. Ed Davis replied that it would be a gradual grading from nothing to about 12 ft. of depth requiring a retaining wall.

Mr. Kolba asked about the metering and reporting of the water extracted. Eric Andreus said the DEP and DCBR will require metering and reporting.

Mr. Kolba asked the term of the lease for the property. Eric Andreus replied the lease is a 25 year lease with 2 10 year extension options.

Planning Commission Minutes Jan. 21, 2016 P.3 of 4

Mr. Kolba commented about traffic safety as regards turnaround time and routes, and that the application does not address property values.

Mr. Hoffman asked about the total amount of water extracted and the number and size of the trucks. Louis Vittorio confirmed the number at 30 and the size at 6500 gal. capacity as required to use State Roads.

Eric Andreus clarified that as far as traffic is concerned the number of trucks per day is an average, so that if on a given day there were only 15 trucks, on another day 45 might be used to make up the difference.

Mr. Craig brought up the reputation of Nestle and the other areas of the country where the public is protesting Nestlé's presence.

Eric Andreus refuted the specifics and stated that he manages 10 sites in Northeast Pa. and things are being done right and he feels those communities would support Nestle as a neighbor.

Jo Ann and Bob Bush each commented about the problems of having the increased truck traffic as it relates to safety and property values.

Donald Moore asked Eric Andreus how long he has been in the community observing the springs, when the lease was signed and pointed out that Nestle was in the area researching the site prior to the ordinance change that allowed extraction in this zone.

Mr. Hoffman asked what benefit there would be for the residents of Eldred Township. Eric Andreus responded that the proposed Community Benefit Fund would be available to various community groups and that annual contributions to other organizations in the community could also be available.

Vernon Barlieb asked if Nestlé's extraction of water would affect other property owners' ability to use the same aquifer for purposes on their property. He believes that the availability of water from this source would be diminished by Nestles' use, on the basis of first come first serve.

Tim Weston disagreed with this premise.

Vernon Barleib asked how Nestle finds properties as this use appears incompatible with the residential properties that are adjacent to this property.

Eric Andreus answered that these springs were chosen due to their volume and their location close to accessible roads.

Mike Kolba asked how Nestle would respond if the Township put a limit on weekend use.

Eric Andreus replied that Nestle would still consider operating at the site.

Don Moore asked about the amount of water pumped and if the amount in the application could be increased.

Tim Weston answered that the permitting process would have to begin over with the new numbers as the criteria.

Attorney Lyons agreed that Nestle will be limited to the amount of extraction in the permit as it stands.

Linda Kile asked about community benefit. She noted that the \$750,000.00 Nestle is offering would not go far in regards to items like fire trucks, the Community Center building etc.

Carey Krum asked what the procedure would be in a drought.

Planning Commission Minutes Jan. 21, 2016 P.4 of 4

Tim Weston answered that the Delaware River Basin Commission would have jurisdiction and has in place guidelines and can impose restrictions.

Mike Kolba asked if those restrictions apply first to business then residential.

Tim Weston replied that the first restrictions are to unnecessary use such as watering lawns, car washing etc. then public water supplies are asked to reduce use by a percentage. Finally businesses are required to cut back based on the type of business and the impact of restriction on the business.

Robert Boileau announced a proposed workshop.

Solicitor Lyons gave guidance on such a meeting. He advised the planners on the grounds for making conditions.

Robert Boileau asked who would be allowed to speak at the Zoning Hearing Board.

Solicitor Lyons answered that you must be an aggrieved party.

Adjournment:

- Helen Mackes made a motion to adjourn seconded by Mike Kolba. Motion carried.(7-0). Meeting adjourned at 11:12 P.M.

Respectfully Submitted,

E. Ann Velopolcek
Planning Commission Secretary

Cc: Eldred Township Board of Supervisors; Monroe County Planning Commission; Solicitor Daniel Lyons; Solicitor Ronold Karasek; Engineer Brien Kocher; SEO Jacob Schray; Zoning Officer Ellerslie Helm.

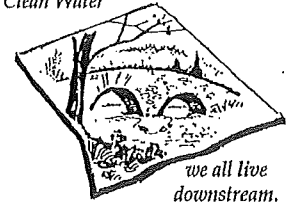
Eldred Township Planning Commission

MONROE COUNTY, PENNSYLVANIA

Clean Water



E. Ann Velopolcek
Secretary



Planning Commission Minutes

February 16, 2016

Special Meeting

On February 16, 2016 the Eldred Township Planning Commission met for a Special Meeting at the Kunkletown Volunteer Fire Company, 597 Kunkletown Rd. Kunkletown, Pa. at 7:00 P.M.

In Attendance: Robert Boileau (Chairman), Helen Mackes (Vice Chairman), Archie Craig, Carey Krum, Mike Kolba, Gary Hoffman, Michael Gaul (Solicitor), Brien Kocher (Engineer). Absent: Charles Phillips

Call the Meeting to Order: The meeting was called to Order by Robert Boileau at 7:05 P.M.

Mr. Boileau welcomed new Solicitor Michael Gaul and announced that the Walter's Subdivision Plan would be reviewed at the Regular meeting on March 17, 2016.

Public Comments Relating to the Agenda: There were no public comments relating to the Agenda.

Mr. Boileau announced that the meeting was being recorded by the Secretary.

Review and discussion of Nestle Application a Special Exception for Water Extraction at Gower Estates: Mr. Boileau announced that anyone wishing to appear before the Zoning Hearing Board must fill out an application to Appear.

Mr. Gaul announced that the Planning Commission's role is as an advisory board to make recommendations to the Zoning Hearing Board and that anyone wishing to be a party in opposition to the Nestle Special Exception Application appear at that Zoning Hearing Board Hearing on the Application.

Mr. Boileau read the Zoning definition of a Special Exception and other relevant standards of the ordinance.

Mr. Boileau then addressed the planners with his opinions regarding the details of the Application. He highlighted several areas of concern and detailed his recommendations for conditions.

Areas of concern discussed were:

- Volume of water permitted to be pumped in the permit
- Truck traffic, noise and volume impact
- Loading hours
- Safety of route

- Large Truck traffic
- Weight limits
- Additional or alternate boreholes
- Protection of safe water supply to all resident
- Impact on local wells
- Depth and rate of flow of existing residents wells
- Remediation of adverse impact
- Continuity of water supply
- The possible hazardous materials buried on the site
- Environmental impact
 - US Fish and Wildlife Service Impact report
- Future land use restrictions of properties in Wellhead Protection Zones 1 and 2
- Existing reservoir
- Pre-existing water rights
- Impact of existing or proposed cemeteries
- Water protection agreement
- Property values
- Emergency Mitigation Plan
 - Mitigation of any problems with water supplies
 - Access to properties adjacent to ingress/egress road
- Identification of responsible parties, limits of liability
- Non-conforming use of existing use
- Compliance for multi use (zoning)

Notification of Polk and Lower Towamensing Townships for use of roads as traffic route

Gary Hoffnan added the additional area of concern:

- Investigation of possible trespass issue on Sandy Hill Path
- Impact information including numbers of truck trips and water extraction over the term of the operation

Mike Kolba added the following areas of concern

- Base flow and impact of unnamed tributary
- Proper subdivision plans as per our Zoning Ordinance
- Proper Land Development plan as per our Land Development Ordinances(SALDO)
- Proper compliance with the Mouroe County Comprehensive Plan
- Proper application of change of land use as per our Land Development Plan(SALDO)

Carey Krum added the following areas of concern:

- Baseline testing of adjacent property owners wells, potabilty and chemical)
- Alternate shipping method of water from the site

Archie Craig requested

- More studies be done regarding the area of wetlands on the proposed site and the areas slated for improvement.
- The Pleasant Valley and Polk School Districts be consulted to see how the increased truck traffic will impact their scheduling.

Robert Boileau stated that the planners intend to submit a written report of their recommendation to submit to the Zoning Hearing Board and prior to the next Hearing on March 30, 2016.

Public Comments: There were public comments relating to Nestles Application

Lori Zilmer expressed her concerns regarding Traffic.

Donna Deihl asked if the drivers would be sub contractors or employees.

Ardis Sweeney and Dawn Barankovich expressed concern about the safety of school children boarding and unboarding busses.

Desiree Jaeckle expressed her concerns about property values in the areas adjacent to the project.

Patrice Junta expressed her concerns about the hours of operation.

Dr. Ramon Baker expressed his concerns about the area of impact, the depth of the wells and the usefulness of the tests done as regards to long term vs. short term studies.

Vernon Barlieb expressed his concern about the impact on surrounding property owners and the future use of the surrounding properties.

Curt Bush indicated that he felt this project might adversely impact potential future projects that would be beneficial to the community.

Mr. Boileau advised all those with concerns to attend and ask for standing to present their concerns to the Zoning Hearing Board at the hearing.

Other concerns expressed were the height of the storage tanks, why Nestle is proceeding despite pending litigation, and proximity of the extraction wells to an old dumping ground.

Being no further business:

- A motion was made by Helen Mackes and seconded by Mike Kolba to adjourn. Motion passed (7-0).

Respectfully Submitted,



E. Ann Velopolcek
Planning Commission Secretary

Cc: Eldred Township Board of Supervisors; Monroe County Planning Commission; Solicitor Michael Gau; Solicitor Ronold Karasek; Engineer Brien Kocher; SEO Jacob Schray; Zoning Officer Ellerslie Helm.

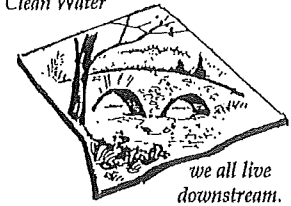
Eldred Township Planning Commission

MONROE COUNTY, PENNSYLVANIA

Clean Water



E. Ann Velopolcek
Secretary



Planning Commission Meeting Minutes
February 18, 2016

On February 18, 2016 at 7:30 P.M. the regular monthly meeting of the Eldred Township Planning Commission was held at the Kunkletown Volunteer Fire Company, 516 Kunkletown Rd. Kunkletown Pa.

The meeting was called to order at 7:30 P.M.

In Attendance: In attendance were Robert Boileau (Chairman), Helen Mackes (Vice - Chairman), Charles Phillips (Secretary), Archie Craig, Carey Krum, Mike Kolba, Gary Hoffman, Michael Gaul (Solicitor), Jason Smith on behalf of Hanover Engineering (Township Engineer)

An announcement was made that the following were recording the meeting: Robert Bush, Channel 18 news, Rocco Michaels

Approval of Minutes:

- A motion was made by Gary Hoffman and seconded by Archie Craig to approve the minutes of the Organizational meeting January 21, 2016. Motion Passed (7-0).
- A motion was made by Helen Mackes and seconded by Charles Phillips to approve the minutes from the monthly meeting of January 21, 2016. Motion Passed (7-0).

Public Comments Related to the Agenda: There were no public comments related to the Agenda.

New Business:

- A motion was made by Charles Phillips and seconded by Archie Craig to have Jason Smith of Hanover Engineering review the Environmental Impact report included in the Nestle application. Motion Carried. (7-0).

Representatives from Nestle appeared at the meeting to give the presentation of their application for Water Extraction at the Gower Site. Appearing for Nestle was:

Tim Weston- Attorney
Eric Andreus- Natural Resources
Ed Davis- Project Engineer
Lou Vittorio- Hydrogeologist (Earth Res)
Earl Armitage- Traffic
Rob O'Neal- Epsilon

Ed Davis presented the information about the site layout and proposed structures. There were questions and comments from the public. Solicitor Gaul remarked about the issue of multiple uses at the site. Atty. Weston replied that this issue would be answered in writing at the first Zoning Hearing Board hearing on the application.

Lou Vittorio gave his presentation about the hydrogeologic testing and proposed extraction. There was then a period of questions and answers concerning this topic.

Ed Armitage presented the traffic impact studies and results. There were comments expressing concerns from the public.

Planning Commission Meeting February 18, 2016 p.2 of 2

Rob O'Neal presented the report concerning sound issues related to the facility and the truck traffic. There were several topics brought up by members of the public regarding sound and vibration related to traffic.

There were several additional public comments relating to all the above presentations and concerning the potential negative impact of the project. The Nestle experts had the opportunity to respond to the concerns of the residents.

Donna Deihl asked the Nestle representatives about the occurrence of the smell of sulfur in her water since the testing. Mr. Vittorio replied that that would not have been as a result of anything Nestle had done.

Vernon Barleib asked Mr. Andreus why, in response to the question of Nestle being here for several years before Nestle addressed the issue of water extraction on the site, Mr. Andreus (at a previous meeting) answered that "they (Nestle) didn't think about it". Mr. Andreus answered that that was not his recollection of his answer.

Atty. James Preston, representing the persons filing an appeal to the ordinance made a statement and asked that it go on the record that "Nestle carries on at their own risk" due to the pending appeal.

Terry Kleintop asked questions about the testing areas, procedures and if there was any increased future use intended (i.e.: more gpd), Mr. Vittorio answered his questions about the testing areas and Mr. Andreus answered that no increase was anticipated at this time.

Megan LeBlond asked if Nestle had a response to the documentaries produced about Nestle. Eric Andreus offered to supply her with that information.

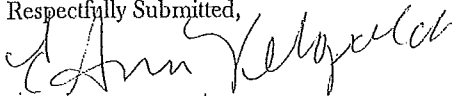
Old Business: There was no new business.

Public Comments: Donald Moore presented a brief paper about the Ordinance and the procedures to adopt changes in Ordinances.

Adjournment: Being no further business:

- A motion was made by Helen Mackes and seconded by Mike Kolba to adjourn. Motion Carried (7-0). Meeting adjourned at 11:55 P.M.

Respectfully Submitted,

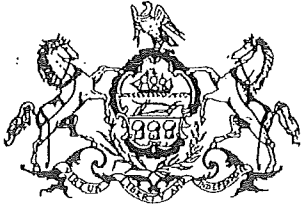


E. Ann Velopolcek
Planning Commission Secretary

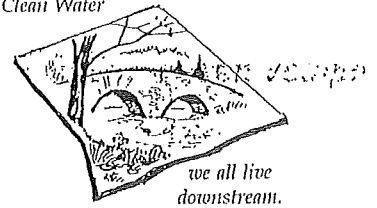
Eldred Township Planning Commission

MONROE COUNTY, PENNSYLVANIA

Clean Water



E. Ann Velopoleck
Secretary



Planning Commission Minutes February 26, 2016 Special Meeting

On February 26, 2016 The Eldred Township Planning Commission met for a Special meeting to discuss Nestlé's application for Special Exception, approval and for general business purposes, at the Kunkletown Municipal Building 490 Kunkletown Rd. Kunkletown Pa.

In Attendance: Robert Boileau (Chairman), Charles Phillips (Secretary), Helen Mackes (Vice Chairman), Archie Craig, Carey Krum, Mike Kolba, Gary Hoffman, Michael Gaul (Solicitor).

An announcement was made that Robert Bush was recording the meeting.

Meeting Called to Order: The meeting was called to order at 7:00 P.M.

New Business: There is no new business to be discussed at this meeting.

Old Business: Review and discussion of the Nestle Application for Special Exception for approval of a Water Extraction use at the Gower's Property at Sandy Hill Path, Kunkletown PA.

Robert Boileau read an opening statement adding to and modifying the previous statement prepared as a preliminary response to the Nestle application.

Solicitor Gaul brought up some issues about the application not meeting all the planning requirements i.e.: multiple uses on one property, engineering issues, land development plan, non-conforming use permit, etc.

Gary Hoffman opened a discussion about the wellheads. He suggested additional map overlays indicating the distances of the impact areas from the wellheads. At issue are the existing and future septic systems.

The issue of access for the existing trucking company and the Buskirk property was discussed.

There was discussion about the entrance to the site and the future commercial use of the property by the property owner.

Paul LoMonaco added that there is currently an access problem with Sandy Hill Lane crossing his property without permission.

Shared parking was discussed.

Solicitor Gaul discussed the ideas of the goals and objectives of the comprehensive plan and the place of Nestle in the Village setting of town.

Gary Hoffman brought up the presence of old underground fuel storage tanks at various locations near the wellhead site.

Paul LoMonaco commented about his banks refusal to grant refinancing for his house due to the uncertain future value of his house in Zone 1.

Gary Hoffman asked the question of whom township residents would contact and apply to for compensation or remediation in the event of water problems in the future, if the Nestle project is completed.

Gary Hoffman read a statement that included the suggestion that , as a condition to any special exception approval Nestle be required to provide financial security for the installation of a public water system in the Township in the event Nestlé's planned water extraction damages residents' wells.

- A motion was made by Gary Hoffman and seconded by Charles Phillips Robert Boileau, Gary Hoffman and Mike Kolba, in consultation with the solicitor, prepare a draft Planning Commission Advisory Report recommending denial of the Nestle application, based on lack of harmony with the Comprehensive Plan, omissions and deficiencies noted in the Hanover Engineering review letter of Feb. 15, 2016, and poor planning, in accordance with the comments of the Commissioners and member of the public, and in the event of Zoning Hearing Board approval, suggested conditions to the approval. Motion passed (7-0).
- A motion was made by Gary Hoffman and seconded by Mike Kolba that the Supervisors provide any existing hydro geologic and /or environmental data and reports (both from the Boucher and James and from the application) to the Township's hydro geologist for review and analysis, and for the hydro geologist to provide the results of his analysis to the Planning Commission and also that he testify before the Zoning Hearing Board on hearings involving Nestlé's application. Motion Passed. (7-0).

Leon Barlieb asked about the proximity of the cemetery to the site and the future use as a cemetery of the property behind the firehouse.

Donald Moore announced the timeframes allowed by statute for the Zoning Hearing Board hearings on Nestles' application.

Doug Borger brought up the Old Mill ownership.

- A motion was made by Helen Mackes and seconded by Mike Kolba to adjourn. Motion Carried: (7-0). Meeting adjourned at 9:45 P.M.

Respectfully Submitted,



E. Ann Velopolcek
Planning Commission Secretary

Cc: Eldred Township Board of Supervisors; Monroe County Planning Commission; Solicitor Michael Gaul; Solicitor Ronold Karasek; Engineer Brien Kocher; SEO Jacob Schray; Zoning Officer Ellerslie Helm.

Meeting Minutes
March 14, 2016
Planning Commission Special Meeting

On March 14, 2016 the Eldred Township Planning Commission held a special meeting for general business purposes at 7 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd., Kunkletown Pa.

In Attendance: In attendance were Commission members Robert Boileau (Chairman), Helen Mackes (Vice Chairman), Charles Phillips(Secretary), Archie Craig, Carey Krum, Mike Kolba and Gary Hoffman. Also in attendance was Planning Commission Solicitor Michael Gaul.

It was announced that Curtis Bush was recording the meeting.

Public Comments Relating to the Agenda: There were no public comments related to the agenda.

New Business: There was no new business.

Old Business: Robert Boileau announced that the primary purpose of the Special Meeting was for the Planning Commission to review and make a recommendation to the Board of Supervisors on the Proposed amendment to the definition of Water Extraction/ Bottling in § 303 of the Eldred Township Zoning Ordinance. The proposed amendment provides that a Water Extraction/ Bottling use shall be considered industry for the purposes of regulation by the Zoning Ordinance.

The Planning Commission briefly discussed the proposed Zoning Ordinance amendment, and voiced unanimous support for the amendment.

- A motion was made by Gary Hoffman and seconded by Carey Krum recommend to the Eldred Township Supervisors that the proposed Zoning Ordinance amendment be enacted. Motion carried. (7-0).

Other: Paul LoMonaco submitted to the Planning Commission, an aerial Photograph of his property, with depicted property lines. Mr. LoMonaco requested that the photograph be kept as part of the record of the Planning Commission's advisory review of the Nestle special exception application for a water extraction use on the Gower property. Mr. LoMonaco pointed out to the Commission that one of his property lines crosses over the road known as Sandy Hill Path.

Carey Krum asked if the source of the spring was on Mr. LoMonaco's property and he replied that it is.

There was a brief discussion about the property lines and the discrepancy between Mr. LoMonoco's photo and the Nestle survey information.

The Planning Commission agreed to accept Mr. LoMonaco's photograph , but advised Mr. LoMonaco that , if he had an objection to the Nestle application, and desired to protect his legal rights, he should participate in the Zoning Hearing Board hearing proceeding on the application.

Public Comments: There were no further public comments.

Adjournment: A motion was made by Mike Kolba and seconded by Archie Craig to adjourn. Motion carried. (7-0). Meeting adjourned at 7:18 P.M.

Respectfully Submitted,

E. Ann Velopolcek
Planning Commission Recording Secretary

Cc: Eldred Township Board of Supervisors; Monroe County Planning Commission; Solicitor Michael Gaul; Solicitor Ronold Karasek; Engineer Brien Kocher; SEO Jacob Schray; Zoning Officer Ellerslie Helm.

Planning Commission

Meeting Minutes

March 17, 2016

On March 17, 2016 a Regular Meeting of the Eldred Township Planning Commission took place at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, Pennsylvania.

In Attendance: In attendance were Robert Boileau (Chairman), Helen Mackes (Vice Chairman), Charles Phillips (Secretary), Archie Craig, Carey Krum, Mike Kolba and Gary Hoffman. Also in attendance was Michael Gaul (Solicitor).

Meeting Called to Order: The meeting was called to order by Robert Boileau at 7:30 P.M.

An announcement was made that Curtis Bush and Channel 13 News were recording the meeting.

Approval of Minutes:

- A motion was made by Archie Craig and seconded by Helen Mackes to approve the minutes of February 16, 2016. Motion carried (7-0).
- A motion was made by Helen Mackes and seconded by Carey Krum to approve the minutes of February 18, 2016. Motion carried (7-0).
- A motion was made by Gary Hoffman and seconded by Mike Kolba to approve the minutes of February 26, 2016. Motion carried (7-0).

New Business: Review of Nestle's application for Special Exception approval of Water Extraction Use.

Robert Boileau read proposed changes to the previously circulated draft written Advisory Review of the Planning Commission regarding the Nestle application.

Helen Mackes brought to the attention of the planners resolution 91-3 "The Acceptance of the Old Stone Arch Bridge at Station 73+25 L.R. 45002, section AO1, Abandoned by Penn Dot" and adopted by the Eldred Township Board of Supervisors on December 4, 1991.

Ms. Mackes asked that the document be made part of the Commission's records on the Nestle application and included in the minutes.

Solicitor Gaul stated that there would need to be more investigation into the easement for the road used as access to the bridge.

There was lengthy discussion about the details of the application and the draft advisory review. The topics of concern were:

- The propriety of the Application, re: completeness
- The number of trucks allowed on site at any given time
- Insufficient well monitoring of adjacent wells
- The restrictions created by the wellhead protection zones for future uses on existing property owners
- Federal Mandates re: pre-existing rural uses
- Well Protection Commitment (not included in application)
- Community Benefit (not included in application)

- A motion was made by Gary Hoffman and seconded by Charles Phillips to approve the draft written advisory review, recommending denial of the Nestle special exception application for a water extraction use, as revised. Motion carried (7-0).

Robert Boileau read a statement regarding the e-mail sent by Attorney Wimmer to Darcy Gannon on March 21, 2014. (Statement attached.)

Gary Hoffman made a statement about the involvement of Township Employees and Elected Officials in the current situation and stated that he expected all employees and elected officials of the Township to be held to a high standard of conduct.

There were some public comments on this issue.

Old Business: Robert Boileau announced that the Walters subdivision has been cancelled.

Other: There were more public comments regarding Nestles Special Exception Application.

Adjournment: There was a motion by Mike Kolba and seconded by Helen Mackes to adjourn, Motion Carried (7-0). The meeting was adjourned at 9:22 P.M.

Respectfully Submitted,

E. Ann Velopolcek

Planning Commission Secretary

Cc: Eldred Township Board of Supervisors; Monroe County Planning Commission; Solicitor Michael Gaul; Solicitor Ronold Karasek; Engineer Brien Kocher; SEO Jacob Schray; Zoning Officer Ellerslie Helm.

Meeting Minutes
April 21, 2016

On April 21, 2016 The Eldred Township Planning Commission held its regular meeting at 7:30 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, Pa.

In Attendance: In attendance were Robert Boileau; Chairman, Helen Mackes; Vice Chairman, Charles Phillips; Secretary, Archie Craig, Carey Krum, Mike Kolba, Gary Hoffman and Michael Gaul; Solicitor.

It was announced that Frank O'Donnell was recording the meeting.

Approval of the Minutes:

- There was a motion by Helen Mackes and seconded by Mike Kolba to approve the minutes of March 14, 2016. Motion carried. (7-0).
- There was a motion by Carey Krum and seconded by Archie Craig to approve the minutes of March 17, 2016. Motion carried (7-0)

Public Comments Related to the Agenda: There were no public comments related to the agenda.

New Business: Mr. Boileau made a statement about submittal procedures for new information submitted by an applicant in a zoning Hearing Board Hearing.

Solicitor Gaul stated that any material modification to an application should be sent to the Planning Commission. He further stated that any change not accepted by the ZHB would not need to be presented to the Planning Commission but that in order for the Planning Commission to be able to fulfill their role as an advisory Board to the ZHB, the Planners should have an opportunity to review the changes prior to the next hearing.

Solicitor Gaul suggested that the Planning Commission send out a letter to the Zoning Hearing Board Solicitor that the Applicant provide any changes and/or supplements to the Zoning Officer in a timely manner so that the Planning Commission has the opportunity to review and comment on said changes prior to those changes being submitted as exhibits at a Zoning Hearing Board hearing.

Mr. Hoffman stated that, as it pertains to the current Application for Special Exception, after 9 hours of testimony and many exhibits entered into evidence, the Planners do not have a complete understanding of what has been submitted. They may have seen all the exhibits but there is no verification of that.

Mr. Phillips stated that the Planning Commission was putting their trust in the Zoning Hearing Board to determine if a change was substantive. Solicitor Gaul agreed adding that since the Planning commission makes recommendations based on their reviews, any substantive change could affect their recommendation and that that recommendation could not continue to be valid based upon the changes.

Mr. Boileau then stated that the minutes should reflect that Solicitor Gaul will confer with Solicitor Martinez and seek his comments and suggestion to see how we can move forward so that the Planning Commission can do their job and receive and review material modifications and to create recommendations in time to impact the Zoning Hearing Board.

Vernon Barlieb agreed that the Planning Commission should be given any changes to an application in order to give reinforcement to the Zoning Hearing Board in their decisions.

Mr. Phillips stated that he believes the Planners should have the opportunity to review the Applicant's reply to our Engineer's comments in order to provide any additional comments.

Mr. Gaul indicated that it is not unusual for something to be submitted at a hearing that had not been reviewed.

Donald Moore stated that the latest Hanover review did not arrive in time for the Planners to review and comment on it since the hearing was only 5 days after the letter arrived. He also stated that his recollection was that the Zoning Hearing Board Solicitor was the person who made the decision that the changes were accepted, after studying the briefs submitted by the parties to the proceeding.

Mary Anne Clausen suggested that our ordinance might be revised to clarify this procedure in the ordinance.

Reiner Jaeckle stated that he believes the Township Zoning Officer should not have accepted the Application until the Township's solicitor and engineers had the opportunity to review it.

Robert Boileau announced that we had two visitors from the PVHS, Ben Smiley and Chase Evans, reporting on the meeting for a class.

Gary Hoffman made a recommendation that recordings of the meetings be retained for a minimum of 3 years.

- A motion was made by Gary Hoffman and seconded by Carey Krum that we retain recordings of the meetings for not less than 3 years. Motion carried (7-0).

JoAnn Bush added that there may be some State guidelines regarding the retention of recordings. Vernon Barlieb suggested that any such records be kept in a safe place.

Gary Hoffman asked that the Planning Commission recommend the Supervisors facilitate a traffic study to determine the volume of truck traffic, notably the traffic specific to the Hurricane Sandy debris being trucked to Palmerton.

- A motion was made by Gary Hoffman and seconded by Mike Kolba that the Eldred Township Planning Commission request that the Eldred Township Supervisors request the Monroe County Planning Commission do a traffic study on the Kunkletown/ Little Gap Highway for the purpose of monitoring traffic passing through loaded and empty with reference to the Hurricane Sandy Debris. Motion carried (7-0).

There was a question about the cost. Mr. Hoffman indicated that based on his discussion with the MCPC, it would be free, but that would depend on what the Supervisors find out.

- A motion was made by Mr. Boileau and seconded by Gary Hoffman that the Planning Commission Secretary create an approved motion log available to residents. Motion carried (7-0).

Hanover Review:

- A motion was made by Robert Boileau and seconded by Mike Kolba that the Eldred Township Planning Commission is in agreement with Hanover Engineering and Associates three Special Exception Reviews dated April 15, 2016 the information is in harmony with our previous submittal to the Zoning Hearing Board and further cause to again recommend denial of the Nestles' Application.

Mr. Hoffman read the last sentence in Paragraph 5 of the Hanover letter of 4/15/2016, Geology review, referencing the fact that the sustainability of the project may depend upon "controlling and curtailing the water usage" of other users in the basin, this due to the extraction over an area larger than the property Nestle is leasing. He asked that that section of the review be included in the letter to the Zoning Hearing Board. There was discussion on this topic. Mr. Barlieb reported his conversations with both the DRBC and Nestle about the use of water by "others" and prioritization for existing property owners and potential future users.

Mr. Boileau clarified the source of the comments and restated the sentence from the letter.

Solicitor Gaul agreed that the letter is referring to the size of the recharge area compared to the volume of water proposed to be extracted.

Desiree Jaeckle described her conversations with Phil Getty (Geologist, Boucher and James) in which he said that the volume of the proposed extraction is not sustainable.

- An amended motion was made by Robert Boileau and seconded by Mike Kolba that the Eldred Township Planning Commission is in agreement with Hanover Engineering and Associates three Special Exception Reviews dated April 15, 2016 the information is in harmony with our previous submittal to the Zoning Hearing Board and further cause to again recommend denial of the Nestles' Application, with a desire to draw attention the Hanover's geology review section 5 submitted by C. Taylor. Motion carried (7-0).

Old Business: There was no Old Business

Other Business: Mr. Boileau announced the next three Zoning Hearing Board Hearings will be held on May 18, June 15 and July 20, 2016 at the Kunkletown Volunteer Fire Company, 597 Kunkletown Road, Kunkletown, Pa. 18058 at 7 P.M.

Ms. Jaeckle handed out a letter to Eldred Township residents from the Food and Water watch organization of Portland Me.

Mr. Jaeckle thanked the Commission for their efforts and asked about a remedy if a well does stop producing.

Mr. Craig made a comment about the effects of the trial pumping and what the longer term effects might be if Nestle is successful.

Mr. Barlieb said he believes that information should come to the Commission for their review in order to provide thoughtful recommendations that reflect represent the residents' concerns, even though it is only an advisory board. Mr. Craig agreed.

Shirley Krum volunteered for the Parks Committee.

Adjournment:

A motion was made by Helen Mackes and seconded by Mike Kolba to adjourn. Motion carried (7-0). Meeting adjourned at 9:00 P.M.

Respectfully,

E. Ann Velopolcek

Planning Commission Minutes
May 19, 2016

On May 19, 2016 the Eldred Township Planning Commission held their regular meeting at 7:30 PM at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, PA.

In Attendance: In attendance were Robert Boileau - Chairman, Helen Mackes - Vice Chairman, Charles Phillips - Secretary, Archie Craig, Carey Krum, Mike Kolba Gary Hoffman and Solicitor Michael Gaul.

Call to Order: Robert Boileau called the meeting to order at 7:30 PM.

Approval of Minutes: Robert Boileau noted a motion attributed to him which needed to be amended to reflect that motion attributed to Gary Hoffman.

- There was a motion by Carey Krum and seconded by Gary Hoffman to approve the minutes of April 21, 2016, subject to that change. Motion carried (7-0).

Public Comment: There was no public comment.

New Business: There was a discussion about the Zoning Hearing Board hearing of May 18, 2016. Mr. Boileau explained the discussion which Mr. Gaul had with Mr. Martinez (Zoning Hearing Board Solicitor) regarding the Planning Commission receiving new submissions to the proceedings in a timely manner such that the Planners and the Engineers could review and respond to the new information prior to future hearings. Mr. Phillips noted that this depends upon the type and scope of the change. Mr. Gaul spoke about the fact that some changes may require additional Public Notice, and that the Planners want to be able to respond to any changes before the ZHB makes a determination about the admissibility of changes.

Mr. Gaul also explained that changes which brings the application into compliance with the ordinance would be permitted.

Mr. Boileau replied that the Planning Commission will continue to review and submit additional information to the Zoning Hearing Board.

Doug Borger asked about the testimony regarding the Flood Zone. He believes the change should occur with FEMA.

Mr. Gaul agreed that one map should prevail.

Mr. Kolba noted that with changes, uses could also be altered.

Mr. Phillips believes the change should be substantiated. Mr. Boileau said a company like EarthRes should be able to do that. He plans to look into that. Mr. Phillips and Mr. Kolba said they believe that data needs to be reviewed and approved.

Archie Craig spoke about the existing sediment ponds. He feels strongly that they should be checked thoroughly because they were used as a dumping ground for the community. The ponds fall into the wellhead protection zone 1.

Mr. Gaul replied that he believes a selected group of planners and the Township engineer should do a site inspection to check out some distances and current uses.

Mr. Craig reiterated his concern that there may be pollutants in the dumping area that would impact the project.

Mr. Hoffman spoke about the process of having those areas tested by a governmental agency. Accurately locating the site is necessary.

Mr. Boileau said he hopes a resident would make that call within the next 30 days and if not the Planning Commission would do so.

Mr. Barlieb indicated that the site on the North side of the crusher was used between 1950 until the site shut down. He said there are hundreds of thousands of tons of material dumped there, and that the South side is more confined but at least 25' high

- There was a motion by Gary Hoffman and seconded by Robert Boileau to request a site visit by a select group of the Planning Commission and our Township Engineer (Hanover Engineering) to confirm the site conditions. Motion carried (7-0).

Mr. Gaul believes that Nestle must allow a site visit as part of the application.

Mr. Boileau said he hopes the commission won't have to take action on this, but they will if necessary.

Doug Borger stated that Nestle has been informed of this issue several times but have ignored the potential problems.

Frank O'Donnell spoke about the deed entered into evidence and stated that the language in the deed is difficult to understand and that he would like to have more clarification of the boundaries.

Mr. Gaul said a copy of Nestle's lease option with the financial sections redacted should be requested to find out exactly what portions of the property they will be leasing and what the details are. For instance, who will be responsible for the various areas of the different uses on the property for the purposes of zoning compliance, insurance etc.

- There was a motion by Robert Boileau and seconded by Mike Kolba to request a copy of the Nestle Option to Lease Agreement for the Gower Estate property. Motion carried (7-0).

Mr. Phillips asked if the Planners could have access to the GIS data. He brought some documentation that public agencies are entitled to access free of charge.

Mr. Hoffman said the proper contact person for that is Steve Rinker. The secretary will contact them to begin that process.

Mr. Boileau brought up the possibility of changing the Planning commission's regular meeting time from 7:30 to 7:00. There were no objections.

- There was a motion by Archie Craig and seconded by Carey Krum to change Eldred Township Planning Commission regularly scheduled monthly meeting to the third Thursday of each month at 7:00 PM at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown Pa. beginning with the meeting on June 16, 2016 and to advertise the change as required by law. Motion carried. (7-0).

Mr. Phillips asked if the Planning Commission could get the results of the Hearing for the Gower intervener petition. He thinks relevant information might be gleaned from that information. Mr. Gaul said he will find out about getting a transcription of the hearing. Mary Anne Clausen said she has copies of the Orders and will provide them to the Planning Commission.

Old Business: Mr. Boileau read a thank you note from Helen Mackes for the gift of a corsage she received from the Planning Commission for the event at which she was honored on April 30, 2016.

Gary Hoffman spoke to Monroe county about the traffic study, there will be no fee. The study will take place in June. He also reached out to Polk township to have a similar study done on S. Rt. 209 on the route through their Township.

Robert Boileau announced the resignation from the Planning Commission of Gary Hoffman effective at the end of the day, due to his appointment as a Township Supervisor and read the resignation letter. Mr. Boileau accepted Mr. Hoffman's resignation with regret.

There was a motion to adjourn by Gary Hoffman and seconded by Helen Mackes. Motion carried (7-0). Meeting adjourned at 9:05 PM.

Respectfully Submitted,

E. Ann Velopolcek
Recording Secretary

Cc: Eldred Township Board of Supervisors; Monroe County Planning Commission; Solicitor Michael Gaul; Engineer Brien Kocher; SEO Jacob Schray; Zoning Officer Shawn McGlynn.

Planning Commission Minutes
June 16, 2016

On June 16, 2016 the Eldred Township Planning Commission held their regularly scheduled monthly meeting at 7:00 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, PA. 18058.

In Attendance: In attendance were Robert Boileau, Chairman; Helen Mackes, Vice-Chairman; Charles Phillips, Secretary; Archie Craig; Carey Krum; Mike Kolba; James Leiding and Solicitor Michael Gaul.

Call to Order: The meeting was called to order at 7:00 P.M. by Chairman Robert Boileau. Mr. Boileau announced that Robert Bush recorded the meeting.

Approval of Minutes: There was a motion by Archie Craig and seconded by Mike Kolba to approve the minutes of May 19, 2016. Motion carried. (6-0). James Leiding abstaining.

Mr. Boileau welcomed Dr. James Leiding to the Planning Commission taking the place of Gary Hoffman who resigned to accept a position as Supervisor.

New Business: Mr. Boileau opened a discussion about the impact of Nestlé's decision to withdraw their Special Exception Application. He asked the planners to review the information previously reviewed for any questions they might have or any suggestions for improving or clarifying the Saldo and Zoning Ordinances of the Township.

Solicitor Gaul brought up the issue of multiple uses on lots and suggested that be reviewed.

Mr. Boileau brought up the issue of wellhead abandonment and said he found no guidance on this subject. His question is whether there is a procedure for abandonment as there may be hazards associated with the wells not being decommissioned. He asked for anyone who finds information to bring it to the Planners.

Mr. Boileau referenced two handouts the first showing tables of uses the Planning Commission sent to the Board of Supervisors in 2014 that were not recommended (by the Planners) in Eldred Township. The second, a list of current regional uses. He suggested a review of these documents with the purpose of suggesting other "not permitted" uses.

Carey Krum said that he suggested that racetracks not be permitted based on his experience with the Hawk racetrack which, although some distance from his home, was a nuisance due to the noise.

Mr. Phillips asked about the criteria for labeling a use as a shared use.

- There was a motion by Robert Boileau and seconded by James Leiding that the Planning Commission recommend to the Board of Supervisors that water extraction be amended as a regional use with a designation of “not permitted” in Eldred Township. Motion carried (7-0).
- There was a motion by Carey Krum and seconded by James Leiding that the Planning Commission recommend to the Board of Supervisors that race tracks be amended as a regional use issued a designation of “not permitted” in Eldred Township. Motion carried (7-0).

There was a lengthy discussion about Regional Zoning, the pros and cons of being a part of a Regional Zoning group (CJERP) and the legal issues around the topic.

Archie Craig stated that he has been made aware that the Tanzosh’s have purchased a “right of way” off Schaeffer Rd.

Helen Mackes explained that the table of uses, as it exists now, came about as a result of certain uses already in existence in certain Townships that were then not required in each Township.

Mr. Boileau discussed the fact that it appeared that the maps Nestle submitted were flawed and feels that the Township should clarify the boundaries of the Township owned properties and the easements that pertain to those properties.

Solicitor Gaul suggested getting in touch with PennDot to determine the easements or Rights of Way into the Old Stone Arch Bridge property.

Mr. Boileau asked the minutes reflect the Planners request regarding the issues of well abandonment and the Penn Dot Rights of Way as they relate to Township owned lands and that they be discussed by the Township Supervisors.

Mr. Boileau received a letter regarding the Haines Kibblehouse/ Lehigh Cement Company reclamation project. Eldred Township was supposed to have a copy of the project report for public view but we have not received it. Mr. Boileau has followed up and the Planning Commission will be reviewing those documents.

Mary Anne Clausen spoke more about the shared uses including the fact of the removal of agricultural processing after a request to remove slaughterhouses. She feels this should be rectified. Ms. Clausen read the other items included in that section, such as sawmills, firewood processing and food canning etc. She feels these are the types of uses we do want in our Industrial District. She also reported that the Board, at their last meeting, voted to ask CJERP to look at removing Water Extraction from Eldred Township.

There was a discussion about how to create an ag processing category without including slaughterhouses.

Mr. Boileau asked if changing the definition of Ag. Processing would resolve this problem. Ms. Clausen agreed this would be one way to do it.

There was more discussion about CJERP, the Ordinances, and how Eldred can make shared uses and joint planning work to the benefit of the Township through CJERP.

Ms. Clausen stated that she does not like our Zoning Ordinance. She feels it is too long and some uses are grouped together in sections that do not belong together. She would like the Planners to look at revising the Ordinance.

Mr. Kolba asked if CJERP is working well for us and how we might be able to improve the interaction with the organization.

Dawn Barankovich asked if changes Eldred wishes to make will take 12-18 months to enact due to the requirements of CJERP. Charles Phillips answered that if the changes are not in line with the regional plan, a lengthy review is possible.

Mr. Kolba feels some changes need to be made at CJERP.

Mr. Boileau said the site inspection of the Gower property was no longer necessary.

Mr. Phillips asked what the difference is between a water extraction and a water withdrawal. Solicitor Gaul answered that an extraction is from a stream or spring and does not require a building. Water withdrawal requires a collection facility and implies removal of the bulk water from the site.

Public Comments: Ms. Barankovich asked a question about the Community Center but Solicitor Gaul answered that the Planning Commission does not have authority over the Community Center.

Mr. Phillips asked about the Township having an Official Map. He also stated that the Parks and Recreation Committee should be looking at the Rails to Trails program and the interconnectedness of the Township's properties.

Mr. Kolba asked about the program that designates "features" in a Township. Solicitor Gaul indicated he thought this might be a part of a comprehensive plan. He believes that Penn State or the County may have some Open Space Planning seminars etc. that would be useful.

Solicitor Gaul commented that Zoning should follow a thoughtful review of the Township's comprehensive plan for future development and a comprehensive plan should be developed for future uses and guidance for future planners. Mr. Phillips agreed.

- There was a motion to adjourn by Helen Mackes and seconded by Carey Krum. Motion carried (7-0).

Respectfully Submitted,

E. Ann Velopolcek
Recording Secretary

Cc: Michael Gaul; Solicitor

Brien Kocher; Engineer

Planning Commission Minutes
July 21, 2016

On July 21, 2016 the Eldred Township Planning Commission held their regularly scheduled monthly meeting at 7:00 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, PA. 18058.

In Attendance: In attendance were Robert Boileau, Chairman; Archie Craig; Carey Krum; Mike Kolba; James Leiding and Solicitor Michael Gaul.

Call to Order: The meeting was called to order at 7:00 P.M. by Chairman Robert Boileau.

Approval of Minutes:

- There was a motion by Mike Kolba and seconded by James Leiding to approve the minutes of June 16, 2016. Motion carried (5-0).

New Business: There was a discussion about the involvement of Atty. James Wimmer had in the change of the definition of water extraction/bottling (industry to manufacturing light) just prior to the 2014 Zoning Ordinance update, and whether the Planning Commission should send a letter of complaint to the State Disciplinary Board for Attorneys Commission.

Dr. Leiding asked why the discussion was focused only on Mr. Wimmer. He feels there may have been others involved in the issue that should be included in the discussion. Mr. Boileau responded that Mr. Wimmer had appeared before the Commission and made statements that were misleading and shortly after orchestrated the change in wording to the Ordinance which later became a part of the revised Ordinance. Solicitor Gaul commented that while Mr. Wimmer did have some direct interaction with the Planning Commission that, perhaps, others did not. He indicated that after the discussion that occurred at the Board of Supervisors meeting on July 13, 2016, he has been asked to look into the matter further and has been pursuing the opinions of other Township Attorneys who have a more complete knowledge of the events surrounding the issue, to determine if there was any actionable wrongdoing by the people involved, including Mr. Wimmer but that he could not come to a conclusion at this time. He feels it is premature to send out a complaint letter or take any action other than to pursue the matter further.

Carey Krum said he is most concerned about the procedure at CJER that permitted the change to take place without revealing the true issues that evolved.

Solicitor Gaul said he believes that it would be prudent, at this time, to wait for the decision and actions the Supervisors will make.

Mr. Leiding asked about proceedings other than criminal laws that might be available. Solicitor Gaul replied that, yes, other avenues are applicable such as the Ethics Committees, but again, a case must be developed before a complaint could reasonably be submitted.

Mr. Boileau described in greater detail what Mr. Wimmer said to the Planners and the reason the Planners believe he acted inappropriately. Solicitor Gaul explained that, from his understanding of the events, Mr. Gower through Mr. Wimmer, was taking advantage of a perceived ambiguity of the Ordinance, which, in Mr. Wimmer's opinion, permitted the intended use on the Gower property. He added that an attorney's opinion might not be right and that these matters are settled in court, but that did not necessarily indicate any illegal or ethical violation.

Vernon Barlieb made a comment about a question he posed to Eric Andreus of Nestle and doesn't believe that is the case. Solicitor Gaul stated that there can also be ambiguity in the answers people give to questions over time, that recollections can vary.

Mr. Boileau concluded by stating that the Planning Commission would revisit this issue after the Supervisors make a decision, based on the Attorneys' recommendation, whether to pursue any action.

There was a discussion about the Township' policy in regards to acquisitions and expenditures, focusing on real estate.

Mr. Leiding expressed his concerns about how the Township will fund such projects as Mock Park and the Historic Post Office. His central concern is how the Township will maintain the Mock House and its contents once the Township becomes the owner of the property. He thinks it may be wise to put off creating an access on Church Rd. now, when after the house is acquired, it might make more sense to access the Open Space area from the house. He suggests the Township begin to set aside money for the purpose of maintaining the house once the Township takes possession.

He also asked if any grant money that has been used to restore the Historic Post Office has a provisions that the money must be returned if the property is sold. Mr. Kolba replied that each grant is different and specific to these questions. The grant the Historical Society received would have to be looked at the determine the answer.

Solicitor Gaul gave some guidance about being aware of all the provisions of a grant before applying for and accepting grants, including provisions like that.

Gary Hoffman expressed a concern about a provision in the lease. Solicitor Gaul answered that he had just reviewed the lease and has some comments for the Supervisors when they meet again, but he could not comment until such a discussion had occurred.

Archie Craig commented that the Mock Property is large and complex and he believes that a full time caretaker may be necessary to maintain the property in its current condition as is stipulated in the acquisition agreement.

Robert Boileau concluded by stating that the Planning Commission would welcome involvement in any future decisions and planning for any current or future projects involving acquisitions and expenditures for Township owned properties.

Mr. Barlieb said he believes the Supervisors need to be responsible for the use and development of the Township owned properties and become more involved in the process.

Solicitor Gaul read the section of the Municipality Planning Code that makes the Planning Commission a part of this decision making process.

Mr. Kolba made the comment that the Township requires some flexibility in the ownership of property due to fluctuation in the Townships finances over a long period of time. Solicitor Gaul said there are provisions for this in the law and a permanent burden cannot be placed on a Township, that there are remedies.

Shirley Krum spoke to restate that all the monies used for the restoration of the Historic Post Office were raised by the Historical Society through fundraisers, grants and donations. No taxpayer monies have been used.

Mr. Craig asked if the House became open to the public, would it need to be made handicapped accessible. Solicitor Gaul answered that it would depend upon the use but probably yes.

Desiree Jaeckle suggested that the Mock House could operate as a Bed and Breakfast with some public access and a visitor's center, with a caretaker's quarters still available. She believes the building(s)

should be operated in a businesslike manner and should be self-supporting. Mr. Boileau said he thinks further discussion with Mrs. Mock is in order to understand her vision for the house.

Robert Boileau opened a discussion about the Township's procedures of accepting and reviewing applications to the Planning Commission. He requests clarification and a flow chart of the process and a Township Official be designated who will review and formally accept or reject any application.

There was some discussion about who would do this and how this is handled in other Townships. It was observed that time is as important as who receives and distributes the information. Solicitor Gaul commented that the reason this is important is because there are deemed approvals if the Township doesn't respond in the time frame required. It was suggested that a discussion with Shawn McGlynn (Zoning Officer) might be helpful in creating such a system. Solicitor Gaul stated that the Zoning Officer is the appropriate person to handle the Zoning Applications, but there could be a different person in charge of the SALDO applications. There was some discussion about any SALDO applications. The Planning secretary receives the documents and assures all the items are submitted that are necessary. The documents are then distributed to the Planning Commission members, the Zoning Officer and the Township's Engineer and Solicitor. Mr. Boileau agreed to discuss the matter with the Zoning Officer.

Vernon Barlieb asked how long extensions last and how many can be granted. Solicitor Gaul answered that typically once a preliminary approval is granted, an applicant has 5 years to complete a project or request an extension. Any extensions are at the discretion of the Planning Commission. An exception is the law that was passed that gave a very long extension to plans that were approved during the time of the recession (2008-2013). In the case of the Chang/Chen subdivision the extension is until 2020, however other permits not regulated by the State are not automatically extended. As a result, the extension may not be of any use. Mr. Boileau asked "if the Zoning changed during the approval time, would the applicant be held to the new zoning changes?". Solicitor Gaul answered that the applicant is grandfathered to the zoning that applied at the time of the preliminary approval.

Mr. Boileau brought up the topic of reviewing the Eldred Township Fee schedule. He has spoken to Mr. McGlynn and there is an ongoing review. Solicitor Gaul explained that there are different requirements for zoning than for SALDO. With a subdivision application the applicant can be charged for engineering fees in connection with subdivisions and land development. Zoning generally charges only a fee for the application. He said the way fees are determined is to average the costs to the Township over a period of time and divide the costs to come up with a fair fee. Mr. Jaekle added that he recently had an opportunity to work with another Township and had an additional fee to pay to cover the costs for a construction permit.

Solicitor Gaul agreed the fees should be looked at. He warned that fees cannot be too high or there is a risk of creating an unfair burden which could be challenged. He agreed to look into the matter.

Mr. Boileau opened a discussion about the "Industrial District" regarding uses and possible proposed uses in this district and read some of the language in the Zoning Ordinance related to uses. He has a concern that some of the permitted uses are not compatible with each other, and that there may be a need to make changes to create more concisely defined uses in each Zoning District. He gave the example of a Conservation Design Overlay Subdivision which is permitted in the Industrial District, but which might create a restricted use in that District for other uses that might be required to be in that District (in the way that the well protection zone created use restrictions for some property owners as a result of Nestlé's proposed use). He has some questions about what happens if all the criteria are not met. Solicitor Gaul answered that ownership of property does not give one a right to do whatever you wish on your property and anyone asking for zoning approval must have standing, either as a property owner or leaseholder to challenge a Zoning Ordinance.

Mr. Boileau asked the planners to review the list of non-permitted uses from the list the Planners sent to the Supervisors in 2014 and to prioritize the list, send their comments to the Secretary and have further discussion about this at a future meeting.

Other: Desiree Jaeckle asked if the Township could not operate the Mock house as a business, would that mean an increase in taxes to pay for the maintenance of the house? Mr. Boileau answered that was a possibility but other means of generating operating funds were donation and grants.

Mr. Hoffman gave a report on the Traffic Study that was done recently in the Township. The final report is not yet completed and he will present that report when available. He suggested the Planning Commission sent a thank you letter to the Monroe County Planning Commission for the Study.

Mr. Hoffman also announced that the Bridge is closed on Fiddletown Rd. for repair.

Adjournment:

- There was a motion by Dr. Leiding and seconded by Archie Craig to adjourn. Motion passed. (5-0). Meeting adjourned at 8:50 P.M.

Respectfully Submitted,

E. Ann Velopolcek
Recording Secretary

Planning Commission Minutes
August 18, 2016

On August 18, 2016 the Eldred Township Planning Commission met at 7:00 P.M. for a regular meeting at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, Pa.

In Attendance: In attendance were Robert Boileau, Chairman; Helen Mackes, Vice Chairman; Charles Phillips, Secretary; Archie Craig; Carey Krum; Mike Kolba, James Leiding and Solicitor Michael Gaul.

Call to Order: The meeting was called to order by Chairman Robert Boileau at 7:00 P.M. Mr. Boileau announced that only Eldred Township was recording the meeting.

Approval of Minutes: There was a motion by Dr. Leiding and seconded by Mr. Kolba to approve the minutes of July 21, 2016 Motion carried (5-0). (Charles Phillips and Helen Mackes abstaining as they did not attend the previous meeting.)

Public Comment: Mr. Bill Sweeney of the Pocono Heritage Land Trust made a presentation. His organization is printing maps of Monroe County Open Spaces (parks and recreation areas) and offering advertising to Eldred to promote any parks or programs they would wish to put forward on an Open Space map. He gave a brief overview of the Land Trust and what they do. Mr. Boileau thanked Mr. Sweeney for his presentation and offer but indicated that at this time Eldred is not ready to participate in the program.

New Business: Solicitor Gaul announced that he has sent the letters to H&L Gates and Ricky Gower requesting that the 15 wells drilled by Nestle be closed.

Curtis Bush appeared before the Commission with site plans. This week he submitted plans to build a 10,000 Sq. Ft. addition to Mrs. Bush's Personal Care home to the Permit Officer. He asked for the planners to review any documents in the Township's possession that indicated that the plan approved in 2003 and 2008 is extended until 2017 based on PA Act 87 of 2012 (The Permit Extension Plan). Mr. McGlynn will not proceed until the Planners advise him on the status of the Site plan.

Solicitor Gaul advised that there are other Federal permits (NPDES) that will be required and that the extension does not apply to those permits. Mr. Bush should check with his engineers to see what additional permits will need to be acquired. Solicitor Gaul said the Board of Supervisors would make the final decision whether or not the 2003 plan is extended, after researching the issue further.

Old Business: Mr. Boileau announced that the review of non-permitted uses will be postponed until the next meeting.

Mr. Lieding asked if the issue of removing Water Extraction as a use in Eldred has been discussed at CJERP. Mr. Boileau answered that it has been submitted to CJERP, but the last several meetings of CJERP have been cancelled.

Vernon Barlieb made the comment that if the Water Extraction Ordinance is amended again in the future, he would suggest that the entire Wellhead Protection Zone should be in the control or ownership of the applicant. He believes the imposition of the wellhead protection restrictions on surrounding properties is an unfair burden. Solicitor Gaul stated his belief that owning (or having control of) the entire aquifer would be most important.

Donald Moore added that in Maine, where there was an extended battle over water rights, they did not include an acreage requirement in their revised Ordinance and he concluded that this may not withstand a legal challenge. The issue would have to be researched.

Dr. Leiding asked what then could be done to protect the residents from this happening in the future. Solicitor Gaul replied that anything can be put into an Ordinance but if details are not science based, the Ordinance could be challenged. He ended by saying the easiest solution would be to have Water Extraction as a shared use in CJERP with a designation of "not permitted" in Eldred Township.

Mr. Moore commented about the reference in the July minutes to Mr. Wimmer. He stated that he has filed two complaints to the Disciplinary Board and his complaints were denied because he is not a Township resident, but he feels that if the Planning Commission filed a complaint it might be reviewed more favorably. Solicitor Gaul answered that this issue is one that the Board of Supervisors is looking into with their attorneys and no final decision has been made to date.

Mr. Barlieb brought to the attention of the Commissioners pending House Bill 2114 (June 27, 2016), which deals with water extraction and would allow the State to place an extraction tax on water extracted in Pennsylvania. He feels that if the State has a financial interest in water extraction, their focus will be on creating revenue and not on protecting water as a resource.

Dr. Leiding asked about the Historic Post Office lease. Solicitor Gaul answered that the lease is another ongoing issue he is discussing with the Supervisors.

Dr. Leiding asked about the proposed meeting with Mrs. Mock about the future acquisition of the Mock House. Mr. Boileau said he would be having that meeting to discuss with Mrs. Mock her ideas about the use of the property once the Township has possession. Mr. Boileau added that there are currently no provisions for funding the project.

Charles Phillips asked that the Planners be provided with the agenda for the meetings several days before the meeting so they can be better prepared for the meeting topics. There was some discussion about what business must be on the agenda in order for the Planners to hear the applicant. It was decided that if anyone comes into a meeting with an item the Planners need to take official action

on, and they do not bring their proposals to the Secretary at least one week in advance of the meeting to be put on the agenda, the Planners will decide to hear the applicant or defer the applicant to the next meeting. It was agreed that the agendas would be sent electronically on week in advance of the meetings.

Public Comment: There was no Public Comment.

Adjournment: There was a motion by Mr. Phillips and seconded by Dr. Leiding to adjourn.
Motion carried. Meeting adjourned at 9:00 P.M.

Planning Commission Minutes

September 15, 2016

A regular meeting of the Eldred Township Planning Commission was held on September 15, 2016 at the Eldred Township Municipal Building, 490 Kunkletown Rd., Kunkletown Pa. at 7:00 P.M.

In Attendance: In attendance were Robert Boileau-Chairman, Helen Mackes-Vice Chairman, Charles Phillips-Secretary, Archie Craig, Carey Krum, Mike Kolba and James Leiding, and Solicitor Michael Gaul.

Call to Order: The meeting was called to order by Chairman Robert Boileau at 7:00 P.M.

Approval of the Minutes:

- There was a motion by Helen Mackes and seconded by James Leiding to approve the minutes of the August 18, 2016 meeting. Motion carried (7-0).

Public Comment Relating to the Agenda: There was no public comment relating to the agenda.

New Business: Robert Boileau announced that the Board of Supervisors has asked the Planning Commission to review some upcoming topics, research the planning issues surrounding each of them, both pro and con, and prepare advisory reports for the Supervisors.

Each Planner chose a topic to research.

Windmills- Carey Krum

Mini-Call Towers- Mike Kolba

Reclassification of the Buckhwa/Aquashicola- Robert Boileau

Shared Uses- James Leiding (Agricultural Products Processing-slaughterhouses)

Legalized Marijuana- Archie Craig

Mike Kolba spoke about the topic of transportation impact fees which was a topic of discussion at a planning seminar he attended recently. Solicitor Gaul contributed some information about the SALDO planning and plan implementation that would need to take place any impact fee to happen.

The benefit of this would be to have a capitol expense fund to make off-site improvements for roads, parking etc. based on the creation of new subdivisions. Mr. Kolba explained that the fee would be based upon increased traffic and would be used by the Township and the State based on use of the roads involved. Solicitor Gaul added that he believes the County could give some guidance on this subject.

There was discussion about the issues surrounding Attorney Wimmer's appearance before the Commission in March 2014, the letter he sent afterward to Carson Helfrich and the events that proceeded from letter. The Planners are considering sending a letter of complaint to the Disciplinary Board requesting an investigation. Solicitor Gaul requested an executive session to discuss certain aspects of this issue before the matter is decided. The meeting was adjourned at 7:25. Meeting reconvened at 7:45.

Robert Boileau announced that the Planners had a discussion with Solicitor Gaul about the goals and objectives of writing a letter to the Disciplinary Board relating to the facts known about the matter. He related that, as a Committee, the Planners did approve the March 2014 minutes. They were given the opportunity to take issue with the minutes prior to the approval, but did not. They also made a recommendation to the Board of Supervisors to vote in favor of the Ordinance changes proposed by CJER. Mr. Boileau apologized for "missing" the importance of the changes. At that point the Planners were not aware of any correspondence to anyone from Mr. Wimmer. Other members of the Commission also expressed their apologies. Solicitor Gaul expanded the discussion, explaining the role of the Disciplinary Board, the burden of proving a violation, the Ethics Code and the application of the SALDO and Zoning codes and their interpretation by Applicants, Attorneys and the Planners.

There was further discussion about this particular example with Atty. Wimmer, relating the events of the March 2014 Planning Commission meeting and what transpired. Solicitor Gaul replied that, representing his client, Mr. Gower, Atty. Wimmer interpreted the (then) Zoning Ordinance to Mr. Gower's favor, in that water extraction was not precluded as a use. The point being that Atty. Wimmer's interpretation of that Ordinance could be disputed, but that the Ordinance might have been interpreted in different ways. When Atty. Wimmer then sent a letter to Carson Helfrich he appropriately forwarded it to Sharon Solt. Mary Anne Clausen added that the letter, which she received very shortly prior to the meeting when the vote was taken, did influence her vote for the changes. Attorney Gaul answered that in the end, as far as the Planning Commission is concerned, the Planners did approve the minutes and made the recommendation to the Supervisors.

Vernon Barlieb expressed his dissatisfaction with Solicitor Gaul's statement at the Supervisors meeting of September 14, 2016, that the Attorney's that were consulted by the Supervisors, were in agreement that they found "no criminality" based upon the information they gathered and reviewed thus far.

Solicitor Gaul answered that, while he was not involved at the time of these events, his perception as an observer after the fact, puts him in a position to evaluate the facts which can be verified by documentary evidence, which is what any outside agency will also be basing their decisions on.

Mr. Barlieb said he is not in favor of sending a letter to the Monroe County District Attorney requesting an investigation due to depositions not having been taken, without which, no wrongdoing could be proven.

Mr. Boileau asked the question, "If funds were available what would be the next step?"
(there was no response to this question.)

Mr. Kolba added that if there was any type of a lawsuit, the courts could vindicate the people brought to court, which is not the outcome the complainants are looking for.

Mr. Barlieb suggested that he would prefer no further action rather than such an outcome.

Mr. Boileau stated the both the Supervisors and the Planners have tried to, in essence, "do nothing" and that was also met with disapproval.

Curtis Bush said he feels that there are people in the Community that do not think the Supervisors and the Planners should take further action.

Mr. Kolba said he thinks that the positives that have come out of this are the lessons to be more observant, to be better citizens, to become better planners and to carry these lessons into the future to avoid similar pitfalls.

Charles Phillips asked about tort laws and whether a criminal act must be committed to file a civil suit. Solicitor Gaul answered that no, a civil suit does not require a criminal act, he spoke briefly about the rules of voting (by a Board member) that would be considered conflict of interest. He stated that if the Community feels there was a conflict of interest in the vote for the Ordinance, that such a violation could be reported, but that so far he seen no proof of such a violation in this case.

Mr. Phillips stated that he feels a Supervisor should not put an individual's interest in front of the Community's interest. Solicitor Gaul answered that the question then is, how does that issue get resolved, does it get brought before the Courts or does it get resolved at the ballot box? His opinion is that it does not go to the Courts or every divisive decision by a Board of Supervisors would be dragged into court.

Donald Moore added that when this change was made, only Mr. Gower's property was discussed and there was no discussion about the other Commercial areas of the Township.

Mr. Barlieb asked what would be the harm in sending a letter to the Ethics Committee to bring the matter to their attention regardless of the outcome.

Helen Mackes added her comments that she would be happy to let the matter drop at this point. She would like the Community to heal. She is distressed by the fighting that has gone on.

Mr. Kolba asked if a letter went out and the District Attorney (or Attorney General) and they found no cause for action, would the Community be satisfied?

Mr. Boileau added that he feels the residents are going to be the ones that must speak to any agency investigating any wrongdoing. The Supervisors can only send a letter stating that the residents are asking for further investigation. He feels that without pressure from the residents the District Attorney will not pursue action.

Mr. Kolba believes there could be negative ramifications from asking for an investigation with the County. Archie Craig agreed.

Carey Krum said he thinks the only benefit if an investigation were to occur, would be to possibly reveal some procedural errors at CJERP that could be rectified.

Dr. Leiding stated that he feels the audience at the BOS meeting would benefit from the discussion that went on at this meeting.

- There was a motion by James Leiding and seconded by Helen Mackes, that the Planning Commission recommend to the Board of Supervisors that they delay sending a letter to the District Attorney or the Attorney General for one month until further discussion can take place. Motion carried (7-0).

There was some discussion about the idea behind this motion.

Mrs. Bush said she feels that the people who speak at the BOS meetings will not listen to the reasoned discussion that occurred at this meeting. She feels some people do not understand the finer points of the legal issues.

Mrs. O'Donnell believes that letters describing the (perceived) wrongdoings should be sent to the individuals that contributed to this situation and asking that public apologies to the Township be forthcoming.

Mr. Phillips suggested a letter to the Department of Community and Economic Development (informing them of the issues that evolved around the change in the Ordinance). Solicitor Gaul agreed that might be a good idea.

Mr. Robert Bush suggested sending a letter to the Attorney General, having residents send letters to the editors of local newspapers, and forget about the County.

Solicitor Gaul feels the District Attorney is the proper person to review this issue, and that the residents should also contact that office with their concerns. He believes it is likely that the DA's office has dealt with other complaints regarding the conduct of public officials from time to time.

Old Business: Robert Boileau announced that in response to his request from the Planners, the two uses they wish to eliminate from Eldred Township's zoning are crematorium and After Hours clubs. Mr. Boileau will supply more information at the next meeting.

- There was a motion to adjourn by Helen Mackes and seconded by Archie Craig. Motion carried (7-0).

Respectfully Submitted,

E. Ann Velopolcek

Planning Commission Secretary

Cc: Eldred Township Board of Supervisors

Shawn McGlynn (Zoning)

Michael Gaul (Solicitor)

Planning Commission
Minutes
October 20, 2016

On October 20, 2016 the Eldred Township Planning Commission held a regular meeting at 7:00 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, PA.

In Attendance: In attendance were Robert Boileau; Chairman, Charles Phillips; Secretary, Carey Krum, Michael Kolba, James Leiding and Michael Gaul; Solicitor. Absent were Archie Craig and Helen Mackes; Vice Chairman.

Call to Order: The meeting was called to order at 7:00 P.M. by Chairman Robert Boileau.

Public Comment Relating to the Agenda: There was no public comment relating to the agenda.

Approval of the Minutes: Vernon Barlieb requested a clarification of his comments of September 15, 2016.

- There was a motion by Mr. Boileau and seconded by Dr. Leiding to amend the minutes of September 15, 2016 to read “Mr. Barlieb said he is not in favor of sending a letter to the Attorney General due to depositions not having been taken, without which, no wrongdoing could be proven. Motion carried (5-0).
- There was a motion by Dr. Leiding and seconded by Carey Krum to approve the amended minutes. Motion carried (5-0).

New Business: Mr. Boileau read a letter from Gibson-Thomas Engineering on behalf of PennDot regarding an upcoming project to replace a bridge on Silver Spring Blvd. over the Chapple Creek. Over a year ago Gibson-Thomas gave a presentation to the Planning Commission and during that presentation it was noted that the proposed detour would not be suitable for large vehicles especially tractor trailers. (the proposed detour crossing the bridge near Dale Greenzweig’s house, a one lane bridge with limited turning radius). Hanover Engineering (Brien Kocher) is reviewing the plans and contacting Gibson-Thomas to find out if this is a complete submission or if more information including detour information will be forthcoming.

Mr. Boileau announced that CJERP has submitted a set of new procedures for amending Ordinances by the member Townships. Mr. Boileau said he and Ms. Clausen have some questions regarding the new procedures and they will submit some proposed changes to the document for CJERP’s review and possible approval.

There was some discussion about the shared uses, the benefits of regional planning and the procedures of moving uses in and out of Eldred Township. Mr. Boileau pointed out that one of the benefits, in his opinion, is having the multi Township review of proposed uses that allows other Townships to comment on their experience with any such proposed use, the problems and/or benefits that arose from such a use and how best to structure a use for the benefit of the Community.

There was some additional discussion about having an industrial Zone at all, if it was possible to delete this from the Township and what benefits and detriments might arise from such an action.

Old Business: Mike Kolba reported on the topic of mini-cell towers. He reported that some cell companies are moving from using the large towers that exist now to replacing some existing utility poles with taller poles and adding cell equipment to those. The benefit of this is that coverage in any area could improve considerably with little disturbance to service and a lower cost to the providers. Mr. Kolba reported that in some areas where this has occurred, there were some complaints about the unsightliness of the larger poles in residential areas. He also reported that PPL now has a program sending broadband over their existing power infrastructure. This new technology is less intrusive and is in the early stages. Solicitor Gaul asked about the permitting and franchising issues surrounding this system, Mr. Kolba said as far as he knows this fits into existing utility Rights-of-Way and does not require any additional permits or approvals. Mr. Boileau asked if Mr. Kolba had any recommendations for action by the Planning Commission. Solicitor Gaul interjected that PSATS may have a model Ordinance that is to do with the franchising aspects of this use. Mr. Kolba has a copy of the Ordinance from Northampton County which deals more with the placement/replacement of the larger poles. Mr. Kolba recommended that we revise our existing Ordinance to cover these new technologies. He also stated that the drivers for this new technology could be used to replace the satellite use for direct TV. He will report on that at the next regular meeting November 17, 2016.

James Leiding gave a report on slaughterhouses. He reported that he contacted several Townships that have large and small slaughterhouses. The benefits were of this use is the creation of jobs and increased tax revenue. The detriments were increased traffic, odor (both from the processing of the animals and from the holding yards), escapes of animals creating property damages, water usage and waste removal. He concluded that these issues could be mitigated by having a strong ordinance which restricted the size, location and conduct of the businesses. He will report on other Agricultural Products Processing uses at another meeting.

- There was a motion by Robert Boileau and seconded by James Leiding that the Planning Commission recommend to the Eldred Township Board of Supervisors that the Supervisors issue a letter and/or pass a Resolution to support and endorse the petition of the Aquashicola/Pohopoco Watershed Conservancy's endeavor to obtain the upgrade designation from High Quality to Exception Value, which will protect the exceptional quality and not allow any degradation of the Aquashicola Creek from its headwaters to the confluence with the Buckhwa Creek.

Mr. Boileau gave a brief history of a previous effort by the Conservancy to accomplish this upgrade which failed due to the then seated Board's concern for property owner's rights. He explained that with our new Zoning Ordinance, this issue is not as critical. Any failed residential septic would have to meet current standards. The main impact would be to any business that would want to discharge into the Creek. This would not be allowed on an EV designation area.

Planning Commission Minutes October 20, 2016

Doug Borger asked about the classification of the Buckhwa. Charles Ogle and Frank O'Donnell answered that Conservancy is not currently petitioning for the Buckhwa to be upgraded.

Chairman Boileau called for a vote on the motion. Motion carried (5-0).

Carey Krum began his presentation about Windmills. He reported that there are various designs of wind turbines from traditional to high tech. He believes that both commercial use turbines and residential use turbines will require the Township to create guidelines for each. He gave some technological information about the various types of wind driven turbines and gave the Commissioners printed information. Mr. Krum reported that the benefits of wind turbines are the decreased reliance on fossil fuels. The detriments are the structural failure potential, the noise, strobing, cost vs. recovery and a risk to some avian species.

Desiree Jaeckle said at her home, they have had a windmill for 20 years. She stated that in this area, windmills are not as effective and other forms of passive energy generation such as solar.

There was additional discussion about commercial windmill areas and the legal implications of restricting use. Mr. Krum will continue his investigation and report again at a later date.

Public Comment: Doug Borger asked about the well closures on the Gower property. Solicitor Gaul said he has received a letter for the attorney for Nestle who reports that all the wells drilled by Nestle have been closed and the documentation provided by the well driller who did the closures will be forthcoming.

Mr. Kolba asked if it would be advisable to report the recent spate of well failures in the area to the DRCB. Solicitor Gaul suggested that the well information could also be forwarded to Hanover Engineering.

Megan LeBlond said at her place of employment (the former Polk School), The Growing Place, that within 2 weeks of the Nestle drawdown test there was a problem with the water supply there.

- There was a motion by James Leiding and seconded by Carey Krum to adjourn. Motion carried 5-0). Meeting adjourned at 8:40 P.M.

Respectfully Submitted,

E. Ann Velopolcek
Recording Secretary

cc: Michael Gaul (Solicitor)

Shawn McGlynn (Zoning Officer)

Planning Commission
Minutes
November 17, 2016

On Thursday, November 17, 2016 the Eldred Township Planning Committee met at a regular meeting at 7:00 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown PA.

In Attendance: In attendance were Robert Boileau; Chairman, Helen Mackes; Vice-Chairman, Archie Craig, Carey Krum, Mike Kolba, James Leiding and Solicitor Michael Gaul.

Call to Order: The meeting was called to order at 7:00 P.M. by Chairman Robert Boileau. Mr. Boileau announced that only the Township was recording the meeting.

New Business: Mr. Boileau announced that Charles Phillips was not in attendance because he is having cataract surgery and the Commission wishes him well.

Approval of the Minutes:

- There was a motion by Mike Kolba and seconded by Archie Craig to approve the minutes of October 20, 2016. James Leiding noted that the minutes appeared to be out of order with the Call to Order appearing after the Approval of the Minutes. Mr. Boileau amended the motion to approve the minutes with the correction. Motion carried (6-0)

Public Comment Related to the Agenda: There was no public comment related to the agenda.

New Business: There was no new Business.

Old Business: Mr. Boileau announced that CJERP is continuing develop procedures for amending their shared use Zoning Ordinance and creating a flow chart of events to that end. Frank O'Donnell asked if the process would still take 18 months. Mr. Boileau answered that is would depend on the particular request.

Reports: Mr. Leiding reported that he has looked into Agricultural Products Processing of which slaughterhouses is a component. He advised that other than slaughterhouses, he believes that Agricultural Products Processing would be a

beneficial use in the Township. The definition of Agricultural Process Processing is: Industry which involves the processing of raw Agricultural Products and transforming those products into a more refined prepared or marketable state and includes;

Sawmills
Wood Pellet production and sales
Firewood cutting and sales
Wood chipping operations
Tanneries
Dairies
Food canning and freezing operations

Mr. Leiding made the following motion:

- That the Planning Commission recommends to the Eldred Township Board of Supervisors that reference table in Section 400.4 be amended as follows: Delete Agricultural Products Processing and replace it with slaughterhouses and in addition all applicable language be amended to reflect this change in order to provide consistency with in the Ordinance. Motion was seconded by Carey Krum. Motion carried (6-0).

Mr. Boileau said that at the last CJERP shared use change Eldred asked that slaughterhouses be removed from Agricultural Products Processing, instead they removed the use (Ag. Products Processing) in Eldred. He feels this was an author's error that should be corrected.

Mr. Krum reported on windmills. Mr. Krum gave the Planners each a copy of an Ordinance from a different township. He stated that it was similar but an expanded version of our Ordinance. He stated that his main concern is the setbacks as it relates to catastrophic failures. He would like to share some video footage of such failures with the Commissioners. It was discussed to find a way to do that at a public meeting. Mr. Boileau asked if in the Ordinance there was a **difference between a wind farm and a windmill**. Mr. Krum answered that there was a clear definition for each in the Ordinance. Mr. Krum stated that one of the concerns is the impact during construction. He explained that the commercial windmills used in a wind farm are very large and require a significant foundation requiring large construction equipment. It was mentioned that the Sierra Club has come out in favor of windmills. Charles Ogle stated that Mr. Don Miles of the Sierra Club could provide more insight into the Club's position.

Helen Mackes asked if there are any provisions to disassemble windmills when they are no longer in use. Mr. Boileau said he doesn't believe our ordinance has any such provisions.

Mini Cell Towers: Mr. Boileau said he read that in an area like ours, with limited customer base, the providers would not be likely to implement the mini tower program.

Mike Kolba answered that while that is true, he would expect that in the future the companies may choose to use these services rather than repair or replace the existing large towers.

Archie Craig reported on Medical Marijuana. He gave an overview of the new law, explaining licensing and distribution matters. He said he has not been able to find any updates on the subject since the original law was passed and that the program will not be implemented for 18 months. Access will be limited to certain products and for specified medical conditions. There will be 2 types of licenses, Grower/Processor and Dispensaries, the distribution of such will be based on population.

Update on well closures: Solicitor Gaul advised that we have received a letter from Atty. Weston and Moyer Well Drilling that the wells Nestle drilled on the Gower Property have all been closed and documentation will be forthcoming.

- There was a motion by Archie Craig and seconded by James Leiding to adjourn. Motion carried (6-0). Meeting adjourned at 8:05. P.M.

Respectfully Submitted,

E. Ann Velopolcek
Recording Secretary

Planning Commission Minutes
December 15, 2016

On December 15, 2016 the Eldred Township, Monroe County Planning Commission met in a regular meeting at 7:00 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, PA. 18058.

In Attendance: In attendance were Robert Boileau, Chairman; Helen Mackes, Vice-Chairman; Charles Phillips, Secretary; Archie Craig; Carey Krum; Mike Kolba; James Leiding and Solicitor Michael Gaul.

Call to Order: The meeting was called to order at 7:00 P.M. by Chairman Boileau. Mr. Boileau announced that the Township Secretary was recording the meeting.

Approval of Minutes:

- There was a motion by James Leiding and seconded by Mike Kolba to approve the minutes of November 17, 2016. Motion carried (7-0).

Public Comment: There was no public comment.

New Business: Mr. Boileau asked that the permits approved by the Zoning Officer be submitted to the Planning Commission. Mr Hoffman suggested contacting the Zoning Officer, Mr. Boileau said he would e-mail Mr. McGlynn.

Secretary Ann Velopolcek asked if there were any questions about the Agricultural Security Area and told the Planners that when the 30-day response time is expired, the information will be submitted to the Planning Commission for review.

Old Business: Reports-

Mini Cell Towers- Mike Kolba has received a copy of an Ordinance from another Township that could become a model should we decide to create a new Ordinance. He is still looking into the matter. Mr. Kolba cited a few inconsistencies in our Zoning Ordinance regarding conditional vs. special exception use as regards tall structures.

Slaughterhouses- Dr. Leiding reported that the issue is somewhat complicated and it is imperative that the Township decide what the goal is in regulating commercial slaughterhouses, whether to prohibit them altogether in the Township or to decide where they might be permitted.

There was some discussion about the definition of "commercial" as it relates to slaughterhouses and the proposed Ordinance about animal husbandry, for instance, where commercial uses might take place and under what conditions.

Medical Marijuana- Archie Craig distributed the new Ordinances of 2 Townships, Hanover and Hamilton, Bucks County. Bob Boileau agreed to attend the Hanover hearing for their Ordinance on December 20, 2016. It was noted that the State regulations are precise and that Townships cannot impose restrictions greater than what the State has created.

Solicitor Gaul announced that one benefit of having a local Ordinance is enforcement. Without an Ordinance the Township would have no enforcement authority.

Update on Well Closures- Mr. Boileau announced that he is satisfied with the information we received from Nestle regarding the well closures. Solicitor Gaul said he does not think it a good idea to publish the report which contains some specific information about the property.

Public Comment: There was no public comment.

Adjournment:

- There was a motion by Mike Kolba and seconded by Archie Craig to adjourn. Motion carried (7-0). Meeting adjourned at 7:50 P.M.

Respectfully Submitted,

E. Ann Velopolcek
Recording Secretary

