



# Pocono Township

## PENNSYLVANIA

### POCONO TOWNSHIP COMMISSIONERS AGENDA

September 4, 2018 7:00 p.m.

#### Open Meeting

#### Pledge of Allegiance

#### Roll Call

#### Public Comments

*Comments are for any issue. Please limit individual comments to 5 minutes to allow time for others wishing to speak and direct all questions and comments to the President.*

#### Announcements –

Pocono Township Community Day – Sunday, September 9, 2018 11am – 4pm  
Executive Session held September 4<sup>th</sup> – litigation and acquisition of real property

#### Hearings –

Electronic Device Ordinance – Motion to adopt Ordinance 2018-XX

#### Presentations –

#### OLD BUSINESS

1. Motion to approve minutes of the August 20, 2018 Meeting of the Board of Commissioners (action item\*)
2. Motion to approve minutes of August 22, 2018 work session of the Board of Commissioners (action item\*)

#### NEW BUSINESS

1. Personnel

#### 2. Financial Transactions

- a. Motion to ratify vouchers payable received through August 31, 2018 in the amount of \$ 112,844.06 (action item\*)

(Action Item\*)

\*A matter listed as an “Action Item” on the Agenda is a matter that the Board of Commissioners will discuss and may deliberate or take official action on. A matter listed on the Agenda as an “Action Item” does not require the Board of Commissioners to deliberate or take official action on that matter.

\*\* Change to agenda versus draft posted on website

- b. Motion to ratify gross payroll for pay period ending August 26, 2018 in the amount of \$ 103,949.18 (action item\*)
- c. Motion to approve vouchers payable received through August 31, 2018 in the amount of \$ 77,041.70 (action item\*)
- d. Motion to approve capital expenditures received through August 31, 2018 in the amount of \$ 329,962.13 (action item\*)

### **3. Travel/Training Authorizations (Approve/Ratify)**

- a. Motion to authorize Commissioner Belvin to travel to the Regional Fall Forum on October 9<sup>th</sup> and 10<sup>th</sup> at the Woodlands, Wilkes-Barre, PA hosted by PSATS for a registration fee of \$75.00 plus travel expenses including mileage (action item\*)
- b. Motion to authorize Commissioner Belvin to travel to the 2018 Fall TEMA Exercise Forum on November 8, 2018 at the Radisson Hotel Valley Forge, King of Prussia for a registration fee of \$99.00 plus travel expenses including mileage (action item\*)
- c. Motion to authorize Commissioner Jerrod Belvin and Township Manager Donna Asure to attend the PEMA G289 Public Information Officer Awareness Training on September 15, 2018 at the Northampton County EOC and to pay expenses including mileage (action item\*)
- d. Motion to authorize Donna Asure, Township Manager to attend the PSATS Human Resources and Labor Management Institute on September 13, 2018 in Cumberland County for a registration fee of \$99.00 plus mileage (action item\*)
- e. Motion to ratify travel by Donna Asure, Township Manager to a hearing at the PHRC office in Harrisburg on August 23, 2018 and to pay mileage (action item\*)

### **Report of the President**

- a. Township Newsletter
- b. Evaluations –
  - Manager – due date for completion
  - Chief of Police

### **Commissioners Comments**

Bob De Young – Vice President

Harold Werkheiser – Commissioner

Rich Wielebinski – Commissioner

Jerrod Belvin – Commissioner

- a. Motion to have solicitor amend the requirements for commissioners' compensation by requiring attendance at meetings (action item\*)

(Action Item\*)

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## **Reports**

### **1. Finance Committee**

### **2. Administration – Manager’s Report**

- a. Motion to close the escrow account and release the balance of funds for the ESSA Bank & Trust project No. 04-30-84C. (action item\*)
- b. Motion to adopt changes to the Pocono Township Board of Commissioners Bylaws (action item\*)

### **3. Public Works Report**

### **4. Township Engineer Report**

- a. Update on White Oak Culvert replacement project (DEP has until October to review and respond)
- b. Update on Fish Hill Road Storm System Notice of violation from MCCD

### **Township Solicitor Report**

- a. Update on Exxon Monitoring Wells Agreement
- b. Motion to approve the settlement agreement with Leo F. Stock, Dale M. Stock and Leo J. Stock and authorize the President of the Board of Commissioners to execute the necessary documents (action item\*)
- c. Discussion on permit fees and fines associated with Yard Sale Ordinance (possible action item\*)

## **Resolutions**

### **Public Comment**

*Please limit individual comments to 5 minutes to allow time for others wishing to speak and direct all questions and comments to the President.*

Executive Session – if necessary

## **Adjournment**

(Action Item\*)

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\*\* Change to agenda versus draft posted on website

**POCONO TOWNSHIP, MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2018 – \_\_\_\_**

**AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING AN ELECTRONIC DEVICE TAX IN THE TOWNSHIP OF POCONO, INCLUDING DEFINITIONS AND THE IMPOSITION OF THE TAX; PROCEDURES FOR COLLECTION OF THE TAX; PRESCRIBING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF MONIES COLLECTED.**

**BE IT ENACTED AND ORDAINED**, by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by virtue of the activity of the General Assembly of the Commonwealth of Pennsylvania known as the “First Class Township Code, as amended”, as follows:

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the “Pocono Township Electronic Device Tax Ordinance.”

**SECTION 2. PURPOSE**

This Ordinance is to provide for general revenue purposes by way of the levying, assessment and collection of taxes imposed upon certain electronic devices within Pocono Township.

**SECTION 3. AUTHORITY FOR ENACTMENT**

This Ordinance is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. 56901 et seq., as hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania.

**SECTION 4. DEFINITIONS**

- A. DEVICE - Any jukebox, mechanical amusement device, electronic video game or electronic amusement device for the use of which for profit a tax is levied under this article.
- B. ELECTRONIC VIDEO GAME - Any device other than a jukebox or mechanical device which may be operated by the public generally for use as a game, entertainment, amusement or profit, whether or not registering a score and whether or not a prize is offered.
- C. JUKEBOX - Any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into the slot, crevice or other opening, or



by the payment of any price, operates or may be operated for the emission of song, music or similar amusement.

- D. MECHANICAL AMUSEMENT DEVICE - Any device other than a jukebox which, upon the insertion of a coin, slug, token, plate, disc or key may be operated by the public generally for use as a game, entertainment, amusement or profit, whether or not registering a score and whether or not a prize is offered.
- E. PERSON - any natural person or persons, partnership, association, joint venture, or corporation. Whenever used in any clause prescribing and imposing a penalty, the term "person" as applied to a partnership or association shall mean the partners or members thereof, and as applied to a corporation, the officers or agents thereof. If applicable, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine

## **SECTION 5. IMPOSITION OF TAX**

There is hereby imposed a tax for general revenue purposes under the authority of the Local Tax Enabling Act upon the privilege of using for profit within the Township of Pocono jukebox or mechanical amusement devices as herein defined. Such tax shall be collected and payable by the person owning the mechanical amusement device or jukebox as defined herein and each such device situate, located, utilized or placed within the Township shall bear clear identification thereon of the owner name and principal place of business. Such tax shall be payable at the following rate: On each mechanical amusement device or jukebox, \$50 per calendar year (January 1 through December 31) or any portion thereof.

## **SECTION 6. PAYMENT OF TAX; REPORT**

The tax imposed under this article shall be payable on or before the 15th day of February of each calendar year to the Board of Commissioners of Pocono Township. For devices which are installed after the 15th day of February of each calendar year, the tax imposed under this article shall be paid prior to the use of the machine or device. No deduction or refund of any tax payable under this article shall be granted in the case of any device being destroyed, stolen, sold, confiscated or otherwise disposed of or transferred out of the Township of Pocono after the payment of such tax. Each payment is directed under this article shall be accompanied by a report by the owner/operator and/or person required to make such payment and report as set out herein. Said report to contain information as to the identification of the particular device upon which payment is being remitted.

## **SECTION 7. PENALTY FOR NONPAYMENT**

In addition to any other remedies or penalties as set out herein, if any tax levied pursuant to this article shall not be paid when due, a penalty of 18% of the amount of the tax due and unpaid shall be added thereto.

## **SECTION 8. SUIT ON COLLECTION**

The Board of Commissioners of Pocono Township shall have the power to institute proceedings against persons who violate or do not comply with the provisions of this article. If for any reason the tax is not paid when due and suit is brought for the recovery of any such tax, the person liable therefore shall, in addition, be liable for the cost of collection and interest and penalties herein imposed. All taxes, interest and penalties collected or recovered by the designated individual or Township Solicitor shall be paid into the Township Treasury as general revenue to be used for general revenue purposes.

## **SECTION 9. GAMBLING NOT PERMITTED**

Nothing in this article shall in any way be construed to authorize, license or permit any gambling devices whatsoever or any mechanism which has been determined by the Courts of this Commonwealth to be a gambling device, or in any way contrary to the existing or future laws of the Commonwealth of Pennsylvania.

## **SECTION 10. REPEALER**

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed upon the effective date of this Ordinance.

## **SECTION 11. SEVERABILITY**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

## **SECTION 12. EFFECTIVE DATE**

This Ordinance shall be effective five (5) days after the enactment hereof.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**ATTEST:**

**TOWNSHIP OF POCONO  
MONROE COUNTY**

\_\_\_\_\_  
**PAMELA TRIPUS**  
Township Secretary

\_\_\_\_\_  
**GERALD J. LASTOWSKI**  
President, Board of Commissioners

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**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**REGULAR MEETING MINUTES**

**AUGUST 20<sup>th</sup>, 2018 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on Monday, 08/20/2018 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Gerald Lastowski at 7:00 p.m., followed by the Pledge of Allegiance.

**ROLL CALL:** Gerald Lastowski, present; Bob M. DeYoung, present; Harold Werkheiser, absent; Richard Wielebinski, present; and Jerrod Belvin, present.

**IN ATTENDANCE:**

Leo DeVito, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; Donna Asure, Township Manager; and Pamela Tripus, Township Secretary, were present.

**PUBLIC COMMENT:**

None

**ANNOUNCEMENTS:**

- 1) Pocono Township Community Day will be held on September 9<sup>th</sup>, 2018 from 11 a.m. to 4 p.m., at the Municipal Complex.
- 2) Executive Session was held on 08/16/2018 for acquisition of real property.
- 3) An Executive Session was held on 08/20/2018 for possible litigation.
- 4) The next Regular and Sewer Meeting will be held on Tuesday, 09/04/2018 due to the Labor Day Holiday.

**HIRING OF RAYMOND KUEHNER**

R. DeYoung made a motion, seconded by J. Belvin, to approve the hiring of Raymond Kuehner as Pocono Township Police Department Patrolman effective 08/20/2010. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

**SWEARING IN OF POCONO TOWNSHIP POLICE OFFICER RAYMOND KUEHNER** - District Magistrate Daniel Kresge swore in Patrolman Raymond Kuehner. G. Lastowski welcomed Patrolman Kuehner to the force.

**PRESENTATION:**

Spirit of Swiftwater Minor - Resolution 2018-51 - Gary Fitch, Empire Construction, represented the plan.

J. Belvin made a motion, seconded by J. Lastowski, to adopt Resolution 2018-51 - granting conditional approval of the Spirit of Swiftwater, Inc. Minor Subdivision Plan. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Intern Presentation - Reecha Patel gave an overview of her experience as intern to Pocono Township. She thanked the Board and staff for the opportunity. G. Lastowski thanked Reecha Patel on behalf of the board for her work.

OLD BUSINESS

MINUTES

G. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 08/06/2018 Board of Commissioners' regular meeting. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

G. Lastowski made a motion, seconded by J. Belvin, to approve the minutes of the 08/08/2018 Board of Commissioners' 4:00 p.m. Work Session meeting with BCRA. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, abstained due to absence; and J. Belvin, yes. Motion carried.

G. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 08/08/2018 Board of Commissioners' 6:00 p.m. Work Session meeting with Tobyhanna Township. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, abstained due to absence; and J. Belvin, yes. Motion carried.

NEW BUSINESS:

PERSONNEL

Extended Medical Leave - Phil Starner

G. Lastowski made a motion, seconded by J. Belvin, to approve the request by Phil Starner for extended medical leave as allowed by the Public Works Collective Bargaining Agreement through 09/10/2018. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

FINANCIAL TRANSACTIONS

Ratify Vouchers Payable

G. Lastowski made a motion, seconded by J. Belvin, to ratify vouchers payable for the period ending 08/17/2018 in the amount of \$1,208.70. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Ratify Gross Payroll

G. Lastowski made a motion, seconded by J. Belvin, to ratify gross payroll for the pay period ending 08/12/2018 in the amount of \$97,343.04. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Voucher Payable

G. Lastowski made a motion, seconded by R. Wielebinski, to approve vouchers payable received through 08/17/2018 in the amount of \$163,401.07. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

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Capital Expenditure

G. Lastowski made a motion, seconded by J. Belvin, to approve the capital expenditure received through 08/17/2018 in the amount of \$6,706.91. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Keystone Engineering Group - Invoice No. 6 -

G. Lastowski Made a motion, seconded by R. Wielebinski, to approve payment to the Keystone Engineering Group - Invoice No. 6 in the amount of \$5,674.61 as recommended by Patrick Briegel and Boucher & James, Inc. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Travel/Training Authorizations - None

**REPORT OF THE PRESIDENT:**

Gerald Lastowski, President -

Evaluation of Township Manager and Township Chief of Police - G.

Lastowski noted the evaluation tool was discussed at a work session and the Board of Commissioners will utilize the suggested form to perform the evaluations of the Township Manager and Township Chief of Police.

Pocono Mountain School District's sewer connection - G. Lastowski explained he had received a complaint from a Township resident concerning damage to his property during the Pocono Mountain School District's sewer connection. Discussion followed on the responsibility of restoration of the easement. D. Asure, Twp. Manager, explained Patrick Briegel, Sewer Consultant, and Mike Gable, Twp. Engineer, are scheduled to inspect the property. No action taken.

**COMMISSIONERS COMMENTS:**

Robert DeYoung, Vice President, no comment.

Harold Werkheiser, Commissioner, absent.

Rich Wielebinski, Commissioner

3481 Route 611

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the zoning officer to conduct an investigation at 3481 Route 611 for possible Zoning violations. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Police Department Radios

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the purchase of five (5) additional radios for the Police Department from RMI, costar pricing of \$4,592.50, paid for from the Capital Reserve Fund. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Jerrod Belvin, Commissioner

Tee Shirt Sales - Community Days

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the profits from the sale of t-shirts at 2018 Pocono Township Community Days be donated to the Pocono Township Volunteer Fire Company. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Commissioner Werkheiser's position

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor to draft and send a letter to the Governor of Pennsylvania concerning the status of Commissioner Harold Werkheiser's position as a Commissioner and ask for impeachment. G. Lastowski noted the Board has tried to reach out to Harold Werkheiser but he has failed to respond to numerous attempts. G. Lastowski opened the meeting to public comment. No public comment was heard. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

**REPORTS:**

Emergency Services:

Police - Kent Werkheiser, Pocono Township Police Chief, gave his report for July noting 1095 incidents were investigated.

EMS - Brad Harrison gave the report for St. Luke's Ambulance Service noting 115 calls for July.

Pocono Township Volunteer Fire Company - Brad Harrison, Pocono Township Fire Chief, gave the July report. G. Lastowski requested input from the Fire Company on false alarms. Discussion followed.

Park Board - Jennifer Fisher, Park Board, explained the events were successful with over 200+ people attending the movies. She noted credit cards usage for pavilion rentals is approximately 50%, and the Park board is preparing to assist with Community Day.

Finance Committee - No report.

Administration - Manager's Report

Playground Pros -

G. Lastowski made a motion, seconded by J. Belvin, to revise the motion made on 07/16/2018 at the regular meeting of the Board of Commissioners awarding the quote for the rubberized flooring at Mountain View Park to Playground Pros quoted and approved at \$14,275.00 and revised to \$15,000.00 due to additional work as requested by the Park Board and still as the lowest quote received. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

2014 Ford Explorer

R. Wielebinski made a motion, seconded by R. DeYoung, to authorize the sale of the 2014 Ford Explorer - VIN: 1FM5K8AR1EGB80076 on Municibid. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.



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Public Works Report

Update on Paving Project - D. Asure, Twp. Manager, explained the paving, line striping and shoulder work is completed. R. DeYoung noted the good job done by the paving company.

Truck update - D. Asure, Twp. Manager, explained the trucks are scheduled for delivery by the end of October and the MACK Truck is scheduled to be delivered the end of August/early September.

1997 GMC Top Kick Single Axle Dump Truck and 2003 Peterbilt Single Axle Dump Truck -

R. Wielebinski made a motion, seconded by G. Lastowski, to authorize the sale of a 1997 GMC Top Kick Single Axel Dump Truck VIN:

1GDM7H1J7VJ520003 and a 2003 Peterbilt Single Axle Dump Truck VIN:

2NPNLZ0X93M595509. R. Wielebinski asked if the trucks would be needed for snow removal. D. Asure noted the trucks are not in use currently.

Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Township Engineer's Report

White Oak Culvert - J. Tresslar, Twp. Engineer, explained DEP approval is expected in September.

Fish Hill Road Storm System (NOV) - J. Tresslar, Twp. Engineer, explained MCCD is requesting information on the swale erosion above the stilling pond. He noted MCCD has inspected the stilling pond and found it acceptable.

LSA Grant for right hand turn lanes from Rt. 611 onto Rimrock Road and Bartonville Ave. J. Tresslar, Twp. Engineer, noted they are moving forward with the grant.

TLC Bridge Grant - No report.

TLC Pipe Repair - J. Tresslar, Twp. Engineer, explained the pipe was excavated and tested for leaks. J. Tresslar noted it was felt the settlement occurred during sewer line construction. He explained the hole was filled with flowable fill and modified stone to stabilize the hole.

Culverts on Learn Road - J. Tresslar, Twp. Engineer, explained they identified the culverts and expect the bid notice to go out this week. J. Tresslar explained he reviewed the PEMA grants and there is a possibility that funding may be available for the Fish Hill drainage or other drainage areas that qualify.



**REPORTS CONT:**

Township Solicitor's Report

Exxon Monitoring Wells Agreement - No report.

ZHB Hearing - Pocono Logistics and Camelback Four Seasons - L. DeVito, Twp. Solicitor, requested the Board's approval to authorize the Twp. Engineer and Solicitor to attend.

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Twp Solicitor and Twp. Engineer to represent the Township at the ZHB hearing scheduled for 08/28/2018 at 5:00 p.m. with appeals filed on behalf of Pocono Logistics and Camelback Four Seasons Rentals. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Paradise Valley Road

R. Wielebinski made a motion, seconded by R. DeYoung, to authorize the Township solicitor to advertise for a hearing on 09/17/2018 for an ordinance providing for the renaming of a street known as Rt. 191 to Paradise Valley Road. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Solid Waste, Article III amendment of Ordinance

J. Belvin made a motion, seconded by G. Lastowski, to authorize the Township Solicitor to advertise for a hearing on 09/17/2018 for an ordinance to amend the code of Ordinances of Pocono Township Chapter 356 Solid Waste, Article III, Municipal Waste. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

**RESOLUTIONS**

Resolution 2018-49 - Disposition of certain municipal equipment

R. Wielebinski made a motion, seconded by J. Belvin, to adopt Resolution 2018-49 authorizing the disposition of certain municipal equipment through recycling. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

Resolution 2018-50 - Updating the Open Record Policy of Pocono Township

G. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2018-50 updating the Open Records Policy for Pocono Township. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

**ADJOURNMENT:**

G. Lastowski made a motion, seconded by J. Belvin, to adjourn the meeting at 8:20 p.m. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; R. DeYoung, yes; and J. Belvin, yes. Motion carried.

# Pocono Township Board of Commissioners

## Work Session Minutes

**DATE:** August 22, 2018  
**TIME:** 6:00 pm  
**PLACE:** Township Building  
**PRESIDING COMMISSIONER:** Jerry Lastowski  
**ROLL CALL:**  
Harold Werkheiser - Absent  
Richard Wielebinski – Present  
Robert DeYoung – Absent  
Jerrod Belvin – Present

Also, present Leo DeVito, Township Solicitor, Jon Tressler – Township Engineer, B&J; Mike Gable-engineer, B&J; Patrick Briegel – Pocono Township Sewer Consultant; Donna Asure – Township Manager; Township Supervisors from Tobyhanna Township as well as Tobyhanna Township Manager and Assistant Manager, Township Engineer and Solicitor; David Horton and John Prevoznik of BCRA.

The work session was called to order at 6:08pm by President Lastowski with the Pledge of Allegiance.

There was no public comment.

The work session started off with a discussion of Tobyhanna's growth and the need for additional sewer and water capacity. The agreements were reviewed and discussed to clarify that as long as Pocono works within the two (2) million gallons per day already allotted to them they should be able to consider the request by Tobyhanna to provide additional sewer capacity.

The following topics were then discussed –

- Whether or not Pocono had additional capacity, over and above the MOU agreed upon amount of 440,000 gallons per day
- Have the Pocono sewer consultant and engineer taken into account the next phase of the sewer system and any outstanding projects that will need sewer in determining extra capacity
- The current service area needs of Tobyhanna

BCRA brought to the attention of all that water needs may be an issue with the economic development proposed by Tobyhanna. The expansion will require a will serve letter by BCRA to Tobyhanna and BCRA is not certain that it has the capacity to provide for the needs.

BCRA explained their current financing of a loan to take the capacity from 1.4 to 2.0 million gallons per day but they believed that the additional capacity is to provide water to already existing commitments.

BCRA discussed the following concerns –

- The pressure in the current line is to great to continue that way
- The water system is currently running at 1.3 mg/d at peak times and the capacity is only 1.4 mg/d
-

## Pocono Township Board of Commissioners

### Work Session Minutes

- They must create redundancy in the system within the next 5 to 15 years which will be an additional \$10 - \$15 million dollars.

Those present then discussed how the issue of water and sewer needs are solved. It was thought that a meeting with DEP to explain the regionalization of working with Tobyhanna, Pocono and BCRA and the needs of the area should be arranged. Tobyhanna will contact DEP to ascertain their interest in having a meeting with all involved.

The current overages of Kalahari were discussed and the options to possibly correct such as pre-treatment and/or equalization tanks.

The discussion of the rerate of the BCRA plant than occurred. There was discussion about a paper rerate, which is currently off the table, and a full rerate with the need and guarantee of a capital investment to accomplish.

Tobyhanna and BCRA representatives left the work session at 7:04pm with Tobyhanna to report back on a meeting with DEP. The Pocono Board took a short break.

The work session reconvened at 7:10pm.

Boucher & James and Patrick Briegel reported on the I&I concerns of BCRA. Pocono consultants believe that the I&I issue coming from the Pocono System is not as large a number as once believed and the new SCADA system is assisting in documenting those calculations.

Equalization, pre-treatment, jockey pumps at Pump Station #5 were all discussed as to the needs and the possible benefits.

The Board discussed the pros and cons of expanding the system into the "Phase II" area, the need of opening the Act 537 Plan, the forming of an authority to run the sewer system in Pocono and the amount of extra capacity they would feel comfortable offering to Tobyhanna Township at this time.

There was no public comment.

The work session adjourned at 8:10pm.

Submitted by:

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Donna M. Asure  
Township Manager

**POCONO TOWNSHIP**  
**Tuesday, September 4, 2018**

## **SUMMARY**

**Ratify**

General Fund	\$	130,807.40
Sewer Operating	\$	84,485.84
Sewer Construction	\$	-
Capital Reserve	\$	1,500.00

**Bill List**

TOTAL General Fund	\$	60,087.90
TOTAL Sewer <u>OPERATING</u> Fund	\$	15,850.15
TOTAL Sewer <u>CONSTRUCTION</u> Fund	\$	1,103.65
TOTAL Capital Reserve Fund	\$	329,962.13

<b><u>Budget Adjustments</u></b>	\$	-
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<b><u>Budget Appropriations</u></b>	\$	-
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**Notes:**

# POCONO TOWNSHIP CHECK LISTING

## RATIFY

Tuesday, September 4, 2018

General Fund	Date	Check	Vendor	Memo	Amount
Payroll	08/31/2018			PAY 17 Pay Period ending 8/26/2018	103,949.18
General Expenditures					
	8/20/2018	57436	DJ CLUB ENTERTAINMENT	DJ service 2018 Community Day	200.00
	8/20/2018	57437	CARD MEMBER SERVICES	MS licenses/Adobe Acrobat/Insurance/Microwave	927.81
	8/20/2018	57438	KYOCERA DOCUMENT SOLUTIONS	Municipal Building & Police Copiers	366.56
	8/20/2018	57439	VERIZON WIRELESS	Ipads Police	70.06
	8/20/2018	57440	VERIZON WIRELESS	Phones Township	350.88
	8/20/2018	57441	VERIZON WIRELESS	Phones Police	607.32
	8/24/2018	57442	BCRA	Township quarterly water utility	118.88
	8/27/2018	57443	GALLS	MKIII OC Holders	86.67
	8/27/2018	57444	UNUM LIFE INSURANCE	Short term disability and life insurance	1,825.22
	8/27/2018	57445	MRM Workers compensation	Workers' Compensation Premium	22,304.82
				<b>TOTAL General Fund Bills</b>	<b>\$ 26,858.22</b>
Sewer Operating Fund					
	8/27/2018	1035	BLUE RIDGE COMMUNICATION	Internet Pump Stations	120.72
	8/27/2018	1036	Met-Ed	Electrical service utilitoes	229.80
	8/27/2018	1037	Verizon	Sewer modem connections	120.32
	8/30/2018	1038	BCRA	Monthly sewer treatment	84,015.00
				<b>\$</b>	<b>84,485.84</b>
Sewer Construction Fund					
				<b>TOTAL Sewer Construction Fund</b>	<b>\$ -</b>
Capital Reserve	08/20/2018	1004	FISHER & FISHER APPRAISAL	Deposit for appraisal of property	1,500.00
				<b>TOTAL Capital Reserve Fund</b>	<b>\$ 1,500.00</b>
TOTAL General Fund					
TOTAL Sewer Operating				Transferred by:	
TOTAL Sewer Construction					
Total Capital Reserve					
				<b>\$</b>	<b>216,793.24</b>
				Authorized by:	

# POCONO TOWNSHIP CHECK LISTING

## Tuesday, September 4, 2018

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
<b>General Fund</b>				
08/30/2018	57446	Asure, Donna	Mileage - Hearing (PHRC)	\$ 123.17
08/30/2018	57447	Banks Vacuum	Vacuum Supplies	\$ 44.72
08/30/2018	57448	Best Auto Service Center	Police Vehicle Repair	\$ 337.68
08/30/2018	57449	Boucher & James, Inc.	Engineering	\$ 3,680.36
08/30/2018	57450	Broughal & DeVito, L.L.P.	Alleger - Rezoning	\$ 295.00
08/30/2018	57451	Chemung Supply Corporation	Drainage pipes & Couplers	\$ 16,583.50
08/30/2018	57452	Diversified Payroll Solutions	2017 DATA CD	\$ 105.00
08/30/2018	57453	Double M Productions	Community Day Tee Shirts	\$ 964.50
08/30/2018	57454	Eureka Stone Quarry, Inc.	Stone	\$ 2,853.78
08/30/2018	57455	Gotta Go Potties, Inc	Mt. View - Portable Toilets	\$ 300.00
08/30/2018	57456	Highmark Inc.	Spending Account	\$ 531.28
08/30/2018	57457	HUNTER KEYSTONE PETERBILT	Wiper part	\$ 22.45
08/30/2018	57458	J & Z Professional Services LLC	Cleaning services	\$ 947.50
08/30/2018	57459	J. P. Mascaro & Sons	Park - Garbage	\$ 198.64
08/30/2018	57460	Jim Rinkers Plumbing Services	Twop Building	\$ 85.00
08/30/2018	57461	Leddy Telecom Services	Phone service	\$ 210.00
08/30/2018	57462	Metro Technology Services, Inc.	RMS Basic Package/Maintenance/Licenses	\$ 5,006.85
08/30/2018	57463	Nauman Mechanical Inc.	Twop Building services	\$ 142.08
08/30/2018	57464	PAPCO, Inc.	Gasoline/Diesel	\$ 3,715.77
08/30/2018	57465	PPL Electric Utilities	Traffic Light/Alger Ave	\$ 56.83
08/30/2018	57466	Prosser Laboratories, Inc.	Water Testing - Mt. View	\$ 60.00
08/30/2018	57467	Royal Security Services, Inc	IP address tracing	\$ 150.00
08/30/2018	57468	RR Donnelley	Citations	\$ 79.60
08/30/2018	57469	Staples Credit Plan	Office Supplies - Police	\$ 233.11
08/30/2018	57470	Starr Uniform Center	Badge	\$ 220.00
08/30/2018	57471	STTC Service Tire Truck Centers, INC.	Truck #11 Tire	\$ 420.50
08/30/2018	57472	Tulpehocken Mountain Spring Water Inc	Water	\$ 75.60
08/30/2018	57473	Signal Service, Inc.	Traffic Signal Repair	\$ 390.00
08/30/2018	57474	Praxair Dist Mid-Atlantic	Supplies	\$ 25.64
08/31/2018	57475	Nationwide 457 plan	Pay 17 employee and employer contribution	\$ 3,178.53

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
08/30/2018	57476	J & B Auto	Engine replacement - Smithco 3 Wheel	\$ 1,738.75
08/30/2018	57477	Locust Ridge Quarry	Gabion	\$ 2,954.00
08/30/2018	57478	Mignosi, Timothy	Uniform Allowance	\$ 134.98
08/31/2018	57479	AFLAC	Supplemental insurance	\$ 291.26
08/31/2018	57481	JAR Entertainment LLC	Optimus Replica final payment community day 2018	\$ 1,070.00
08/31/2018	57482	Joseph Putney	Bee replica final payment community day 2018	\$ 200.00
08/31/2018	57483	MetLife	Non union pension August contribution	\$ 5,317.68
08/31/2018	57484	Isaiah JJ Slonaker	Barricade replica final payment community day 2018	\$ 200.00
08/31/2018	57485	Medico Industries, Inc.	Light Tower Services	\$ 2,061.81
08/31/2018	57486	UNIFIRST Corporation	Carpets/Uniforms	\$ 251.20
08/31/2018	57487	AG-Industrial	Clutch	\$ 427.15
08/31/2018	57488	Avail Business Systems, Inc.	File folders	\$ 104.02
08/31/2018	57489	BIU of PA, Inc.	SEO/ZO Services	\$ 2,395.00
08/31/2018	57490	Eric A. Moses Co.	Operating Supplies	\$ 176.90
08/31/2018	57491	Eureka Stone Quarry, Inc.	9.5	\$ 1,067.24
08/31/2018	57492	Lawrence B. Fox P.C.	Legal Civil Service	\$ 337.50
08/31/2018	57493	Steele's Hardware	Supplies Park/PW/Police	\$ 323.32
<b>TOTAL General Fund</b>				<b>\$ 60,087.90</b>

**Sewer Operating Fund**

08/31/2018	1039	Boucher & James, Inc.	SEWER ENGINEERING SERVICES	\$ 3,268.78
08/31/2018	1040	Mid-Atlantic Pump & Equipment Co.	SUBMERSIBLE CHOPPER PUMP	\$ 7,420.00
08/31/2018	1041	PA One Call System, Inc	SEWER MAPPING SERVICES	\$ 100.33
08/31/2018	1042	Pocono Management Associates LLC	CONTRACTED SERVICES 8/13 - 8/26	\$ 3,404.22
08/31/2018	1043	Pocono Township	SEWER ADMINISTRATIVE SERVICES & PESTICIDE APPLICATION	\$ 756.43
08/31/2018	1044	Rock Hill Concrete, Inc.	CONCRETE	\$ 875.44
08/31/2018	1045	Steele's Hardware	PUMP STATION INSTALLATION HARDWARE	\$ 24.95
<b>TOTAL Sewer Operating</b>				<b>\$ 15,850.15</b>

**Sewer Construction Fund**

08/31/2018	272	BOUCHER & JAMES	SCREW SCREEN COVER AND VALVE REPAIR PROJECT ENGINEERING	\$ 1,103.65
<b>TOTAL Sewer Construction Fund</b>				<b>\$ 1,103.65</b>

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
<b>Capital Reserve Fund</b>				
08/31/2018	1005	HANSON AGGREGATE	ASPHALT SUMMER 2018 PAVING	\$ 329,962.13

<b>ESSA</b>				
TOTAL General Fund	\$	60,087.90		
TOTAL Sewer Construction Fund	\$	1,103.65	Authorized by: _____	
Sewer Operating	\$	15,850.15		
Capital Reserve	\$	329,962.13		
TOTAL ESSA TRANSFER	\$	407,003.83	Transferred by: _____	
				<b>TOTAL Capital Reserve Fund \$ 329,962.13</b>



## **SECTION 1 – PURPOSE AND AUTHORIZATION**

The name of the board shall be the "Board of Commissioners of Pocono Township" (the Board). The Board shall have all the rights, powers and duties respectively conferred upon Board of Commissioners pursuant to the Pennsylvania statutes, as amended, that govern townships of the first class.

## **SECTION 2 – OFFICE OF THE BOARD**

The office of the Board shall be the Municipal Building where the Board records will be maintained. All correspondence shall be addressed to the Board c/o the Township Manager, 112 Township Drive, Tannersville, PA 18372. Copies of all agendas, minutes and resolutions of the Board shall be filed or recorded with the Secretary.

## **SECTION 3 – OFFICERS**

- A. At the organizational meeting, the Board shall elect one commissioner as President and one commissioner as Vice-President. The Board shall promptly fill any officer vacancies.
- B. The President shall:
  - i. Preside over all Board meetings
  - ii. Vote on all motions
  - iii. Sign and execute documents as authorized by the Board
  - iv. Serve as the ceremonial representative of the Township for various functions which may be delegated as deemed appropriate

## **SECTION 4 – BOARD MEETINGS**

- A. The Board shall hold regular meetings at 7:00pm on the first and third Monday of every month, except when the Municipal Building is closed due to public holiday or some other reason. In the event of such a scheduling conflict, an alternative meeting date may be scheduled by the Board. All meetings of the Board are open to the public, as required by the Pennsylvania General Statutes, unless otherwise specified.
- B. The Township Secretary will provide the board with draft meeting minutes within five (5) business days of the meeting. The draft minutes will be clearly marked as "DRAFT" and will not become official until the Board votes to approve them at a subsequent meeting. If the Board makes any changes in the draft minutes prior to the vote, the meeting minutes will be corrected to reflect the changes without strike through or redline before being marked final and placed in the meeting minute's book as the official minutes for that meeting.
- C. From time to time, at the Board's discretion, public workshops will be held to provide the Board the opportunity to discuss major events or projects in order to prepare for a vote at a regular or special meeting. Workshops are open to the public and will not include

voting or ruling on any matters. The public may comment as provided for in Section 6.A below.

- D. The Board may hold special meetings which will be advertised and follow all procedures as outlined for Board Meetings.
- E. At the request of the Board, the Township Manager, Solicitor, Engineer, and Secretary shall participate in discussions at meetings.
- F. Commissioners may participate and vote via speakerphone, however technology may limit the total number per meeting. The Commissioners must be able to hear the meeting discussions and the audience must be able to hear the Commissioner(s) participating by phone.
- G. The Board shall fill appointments and vacancies in appointed boards and Commissions as they occur. Individuals interested in appointment or reappointment shall submit a letter of interest to the Township Manager, listing qualifications for appointment and any other pertinent information. The Board shall review all letters of interest and may conduct interviews and appoint individuals by a majority vote.
- H. The Board of Commissioners may remove an appointed member of a board for the following reasons –
  - Failure to attend meetings – Any member who fails to attend three (3) consecutive meetings or fifty percent (50%) of the board's meetings in a twelve (12) month period, without reasonable cause or excuse, may be removed by majority vote of the Board of Commissioners.
  - Termination of residency – Any appointed member of a board who ceases to be a full-time resident of Pocono Township may be removed.

## **SECTION 5 – ORDER OF BUSINESS**

- A. The agenda for all regular meetings of the Board shall include, but is not limited to, the regular items listed as follows:
  1. Open Meeting
  2. Pledge of Allegiance
  3. Roll Call
  4. Public Comment – agenda and non-agenda matters
  5. Announcements
  6. Hearings
  7. Presentations
  8. Old Business – such as approval of minutes
  9. New Business – such as personnel, financial transactions, travel
  10. Report of the President
  11. Commissioners comments
  12. Reports
  13. Ordinances and Resolutions
  14. Public Comment

- 15. Executive Session (if necessary)
- 16. Adjournment

- B. All Commissioners and staff members shall submit their requested agenda items to the Township Manager no later than the Thursday preceding the scheduled meeting at noon. A draft agenda and supporting materials for regular meetings shall be prepared by the Township Manager and forwarded to the Board for review and comment no later than 4:30pm on Thursday. The draft agenda will reflect changes requested by the Board members. The draft agenda, clearly notating action items of the board, will be posted to the website with the assistance of township staff by the close of business on Friday prior to each meeting. Any change(s) to the agenda from the draft agenda posted on the township website to the final agenda presented at the meeting, will be clearly marked as added to agenda since the draft was posted. ~~The board will not add agenda items during any meeting, unless it would work an undue hardship, or is a life or safety emergency.~~

## **SECTION 6 – PUBLIC PARTICIPATION**

- A. The Public comment section of the order of business shall be that portion of the board meeting during which the public may address the board for no more than five (5) minutes per individual. The Board shall accept all public comment at beginning and end of meeting as noted on agenda. All questions or comments shall be directed to the Board President and shall not be directed to staff or invited guests. Further remarks or questions by the public may be allowed at the discretion of the President. The President reserves the right to end public participation at any meeting if it becomes clear that the Board will not be able to conduct its business in a timely manner.
- B. If the Board entertains a motion, not noted on the draft agenda posted to the website, the Public will have the opportunity to comment or ask a question after the motion has been made and seconded, but prior to the Board taking a vote.

## **SECTION 7 – COMMITTEES**

- A. The Board shall appoint Commissioners to committees.
- B. There shall be a standing Finance committee consisting of two Commissioners who shall meet from time to time to review and make recommendations on all matters relating to the budget, financing, annual audit, and processing of payments.
- C. The Board may appoint other such committees as may be deemed necessary or desirable. Any committee so appointed shall have the duties or responsibilities assigned to it at the time of appointment.
- D. Committees may have non-voting members of the public as part of the committee.

- E. No Commissioner shall be excluded from attending any Township meeting convened for the purpose of discussion of Township matters.

## **SECTION 8 – AMENDMENTS**

These bylaws may be amended from time to time as deemed necessary or desirable by the Board by majority vote.

## **SECTION 9 – QUORUM**

A quorum shall consist of three (3) members of the Board.

## **SECTION 10 – ROBERT’S RULES OF ORDER**

The most recent version of the Robert’s Rules of Order shall be the authority in all matters of parliamentary procedure not otherwise stated in these bylaws. The Board shall elect a parliamentarian to enforce these rules.