

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
04/21/2014 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on April 21st, 2014, at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Richard Wielebinski at 7:00 p.m. followed by the Pledge of Allegiance.

ROLL CALL: Richard Wielebinski, present; Jerry Lastowski, present; Tom Felver, present; and Brad Wise, present.
Township Solicitor Leo V. DeVito, Broughal & DeVito LLP; Tim Edinger, T&M Associates; and Pamela Finkbeiner, Secretary; were present.

Greg Hill joined the meeting.

ANNOUNCEMENTS:

Board of Commissioners met in Executive Session on April 21, 2014 (6:00 p.m.) regarding personnel and litigation.

Zoning Hearing Board Meeting (Northampton Community College) on April 23, 2014 (5:00 p.m.).

Planning Commission Meeting on April 24, 2014 (7:00 p.m. Zoning Work Session).

Planning Commission Meeting on April 28, 2014 (7:00 p.m.).

HJP Park Board Meeting on May 1, 2014 (11:00 a.m.).

Conditional Use Hearing (NCC sign plaza request) on May 5, 2014 (7:00 p.m.). Leo DeVito, Twp. Solicitor explained the procedures for Conditional Use Hearings to the board.

MINUTES: B. Wise made a motion, seconded by T. Felver, to approve the 04/07/2014 Commissioners meeting minutes. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS

B. Wise made a motion, seconded by R. Wielebinski, to approve the Check Listing, dated April 21, 2014 (excepting all tele-communication bills). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by T. Felver, to approve the Check Listing, dated April 21, 2014 (tele-communications bills). Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

PUBLIC COMMENT

Diane Zwiefel questions concerning Public Comments. R. Wielebinski stated the Board would allow Public Comment during the meeting for each agenda item.

Judi Coover suggested public workshops for open discussion.

REPORT OF THE PRESIDENT

Rich Wielebinski requested the Board consider an informational meeting the week of May 12th, for public on the Sewer project. J. Lastowski suggested asking Northampton Community College, on Mill Road for use of their building. Dr. Matt Connell, NCC, will check the availability of the room. Judi Coover and Jennifer Wise-Werkheiser questioned the need for the Attorney to be present at a workshop.

Township Building Foyer Repair - R. Wielebinski stated three quotes were received for the repair to the foyer. Dennis Schmoyer had the lowest quote at \$9,400.00. R. Wielebinski made a motion, seconded by J. Lastowski, to award the contract to Dennis Schmoyer Contracting for \$9,400.00 conditioned upon a favorable review by the Twp. Solicitor of the performance based contract and payment schedule. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Judi Coover questioned if insurance would cover the cost of repair. R. Wielebinski will check with the insurance company.

Pocono Township Police Chief Kent Werkheiser - salary increase. R. Wielebinski noted Chief Werkheiser did not have a salary increase in 2014. R. Wielebinski made a motion, seconded by T. Felver, to approve a 10% salary increase for a total of \$83,306.08 per year to Pocono Township Police Chief Kent Werkheiser. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Regina Zuvich, Interim Treasurer and Pamela Finkbeiner, Interim Secretary - salary increase - R. Wielebinski stated Regina Zuvich and Pamela Finkbeiner did not receive a salary increase in 2014 or for their appointments. G. Hill noted that both Regina Zuvich and Pamela Finkbeiner had increased duties related to those positions. R. Wielebinski made a motion, seconded by T. Felver, to approve salary increases to \$19.71 for Regina Zuvich, Interim Treasurer and Pamela Finkbeiner, Interim Secretary. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

COMMISSIONERS COMMENTS

Gerald Lastowski, Vice President, noted the President of the Pocono Township Fire Company has requested a meeting with the Commissioners. The Civil Service Commission has requested in the future, Officer names not be made public. Discussion followed. The Commission agreed to discuss the matter at the next meeting.

COMMISSIONERS COMMENTS CONT:

Tom Felver, Commissioner, stated the Township is required to bond the Treasurer. A lowest quote was \$4,675.00. T. Felver made a motion, seconded by R. Wielebinski, to approve payment of \$4,675.00 to Travelers Casualty and Surety Company of America, for Treasurer's Bond. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, no. Motion carried.

Gregory Hill, Commissioner, no report.

Bradley Wise, Commissioner, reported Great Wolf Lodge is connected to the sewerline; a meeting with MCCD will be held concerning Pocono Township's NPDES permit renewal; and all roadway signage in the Township will need to be brought up to the Federal Highway reflectivity standard. Tim Edinger, Twp. Engineer, will work with the Twp. Road department for signage upgrades and the implementation of a signage assessment/maintenance plan.

APPOINTMENTS AND RESIGNATIONS - BOARD, COMMISSIONERS AND COMMITTEES

Civil Service Commission Alternates (3) - L. DeVito, Twp. Solicitor, informed the Board the appointment of Alternatives is required. R. Wielebinski requested the Twp. Administrator place an announcement on the website and billboard for additional applications.

HJP Park Commission - B. Wise made a motion, seconded by R. Wielebinski, to appointed Jerry Lastowski, to the HJP Park Commission. Roll call vote: R. Wielebinski, yes; J. Lastowski, abstained; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

PJJWA Board (5) - Consideration of Appointments - R. Wielebinski requested volunteers. Randy Peechatka stated he would like to be considered for the appointment and will submit an application.

RESOLUTIONS:

A. Resolution 2014- 09 - regarding Township Treasurer. L. DeVito noted the Resolution will be updated to reflect the new salary increase. R. Wielebinski made a motion, seconded by J. Lastowski, to table Resolution 2014-09 - Twp. Treasurer. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

B. Resolution 2014-16 - regarding appointment of Building Inspection Underwriters Inc., as Zoning Officer and Sewage Enforcement Officer. G. Hill made a motion, seconded by T. Felver, to adopt Resolution 2014-16 - appointment of Building Inspection Underwriters, Inc., as Zoning Officer and Sewage Enforcement Officer. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Judi Coover re: Mike Tripus status as ZO and SEO. L. DeVito explained Michael Tripus was hired through Building Inspection Underwriters, Inc. and will continue but BIU, Inc. could supply a replacement in case of vacation time, etc.

- C. Resolution 2014- 17 - authorizing the President to sign deeds transferring right of way acquired by condemnation for PennDot relating to Northampton Community College. G. Hill made a motion, seconded by T. Felver, to adopt Resolution 2014-17 - authorizing the President to sign deeds transferring right of way acquired by condemnation for PennDot relating to Northampton Community College. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.
- D. Resolution 2014-18 - confirming appointments and terms for appointments made during the Board of Commissioners meeting of 04/07/2014. R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2014-18 - confirming appointments and terms for Mt. View Park Board - Jim Olizsarowicz - one (1) year term; Denise Herbert - two (2) year term; Bob Felins - five (5) year term; and Andrea Learn - five (5) year term; Vacancy Board - Lynn Lansdowne - one (1) year term; Zoning Hearing Board Alternate - Judi Coover - three (3) year term. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

DEVELOPMENT

- A. Resolution 2014-15 - authorizing execution of The Spirit of Swiftwater, Inc. traffic signal maintenance agreement. L. DeVito, Twp. Solicitor, noted the additional information had been received. The agreement is for the intersection of Rt. 611 and Rt. 314 near Sanofi. T. Edinger, Twp. Engineer, noted the improvements are for pedestrian crosswalks, signal heads and pavement markings. B. Wise made a motion, seconded by J. Lastowski, to approve Resolution 2014-15 - Spirit of Swiftwater, Inc. traffic signal maintenance agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.
T. Felver and G. Hill stepped out of the meeting before the motion and returned after the roll call was taken.

Annabella Lastowski questioned the safety of 611 for pedestrian traffic.

- B. Resolution 2014-14 - for Grossi lot consolidation plan approval. L. DeVito, Twp. Solicitor, noted the plan is for the combination of two non-conforming lots into a larger but less non-conforming lot. R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2014-14 conditioned upon the owner submitting a letter to the Township agreeing to the terms of the Resolution. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

- C. Discussion and consideration of approval for Pocono Manor-Kalahari request for modifications concerning water booster station located on SR 314. Dave Horton, Pennoni Engineering, Inc. represented the plan. T. Edinger explained the plan is for a 400 square foot, water booster station. The Planning Commission looked at it as a diminutive plan. T. Edinger recommended that it go to the Zoning Officer for permitting instead of being treated as a Land Development Plan. The Commission concurred with the recommendation. No action taken.
- D. Resolution 2014- xx - granting conditional preliminary plan approval for The Spirit of Swiftwater, Inc. Anthony Maula, Developer, represented the plan. Discussion followed as to the proposed reserve parking area and the 'trigger' which would mandate the construction of reserve parking area. The Commission recommended that the reserve parking area should be built at the sole discretion of the Commission if the need becomes apparent. A. Maula expressed concern that the existing bridge permit to the reserved area may not be approved in the future. A. Maula submitted a **Time Extension letter until 5/10/2014**. L. DeVito suggested a conference call with A. Maula, and the Engineers to discuss the plan. J. Lastowski made a motion, seconded by R. Wielebinski, to table Resolution 2014-xx - conditional preliminary plan approval for the Spirit of Swiftwater, Inc. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.
G. Hill had stepped out of the meeting before the motion and returned after the motion.
- E. Resolution 2014-19 - granting conditional final plan approval for Northampton Community College. The P.C. recommended approval of the plan at their 03/24/2014 mtg. Dr. Matt Connell, Monroe Campus, represented the plan and noted the planned opening date is 07/07/2014. J. Tresslar, Boucher & James Engineering, Inc. noted the Developer's agreement should be completed with 10 days. B. Wise made a motion, seconded by J. Lastowski, to adopt Resolution 2014-19 - granting conditional final plan approval to Northampton Community College Land Development Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.
Kay Johnson questioned if the Traffic Signal would be completed on Warner Road/715. Chris Dellinger, HRG Engineering, noted traffic control would be in place, should the signal not be completed.
- F. Resolution 2014-xx - Sanofi Pasteur, Inc. Dengue project. J. Lastowski made a motion, seconded by T. Felver, to table Resolution 2014-xx -Sanofi Pasteur, Inc. Dengue project Land Development Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

R. Wielebinski welcomed Chase Logan, student, and thanked him for attending the Commissioners' meeting.

ADMINISTRATION

- A. Discussion concerning upgrade to Commissioners technology. Judi Coover suggested the Board consider IPADs for their individual use. Annabella Lastowski informed the Board, Jeremy Sawicki, Planning Commission member, is an excellent resource for Computer systems. R. Wielebinski stated the new Manager may have ideas on the best way to proceed.
- B. Settlement agreement with H. Jane Cilurso. T. Felver made a motion, seconded by B. Wise, to approve the Settlement agreement with H. Jane Cilurso. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Brad Wise and Tom Felver noted the quarterly report showed a shortfall in earned income tax from the 2013 to 2014 budget. They will review the reports.

SEWER

A. Contract No. 3, Payment Request #16 in the amount of \$67,391.69 to Leeward Construction, Inc. The original Application and Certificate for Payment, along with Certified Payroll Records were sent to the Township on March 21, 2014. Work has been completed. R. Wielebinski made a motion, seconded by B. Wise, to approve Leeward Construction, Inc., Contract No. 3, Payment Request #16, in the amount of \$67,391.69. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

B. PennVest Grant #27798 - Consideration of motion to authorize the President and/or Treasurer to electronically sign and submit Contract No. 3, Change Order 7 via the PennVest Disbursement Website for approval of eligibility for reimbursement under PennVest Grant #27798. This Change Order was previously approved by the Commissioners to amend Contract No.3. B. Wise made a motion, seconded by J. Lastowski, to authorize the President and/or Treasurer to electronically sign and submit Contract No. 3, Change Order 7 via the PennVest Disbursement Website for approval of eligibility for reimbursement under PennVest Grant #27798. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

PUBLIC WORKS

- A. Learn Road drainage repair - T. Edinger, Twp. Engineer, noted the estimated cost of the repair is \$67,000.00. B. Wise noted the road edge is deteriorate to the edge and is dangerous to traffic. B. Wise made a motion, seconded by R. Wielebinski, to authorize the repair to Learn Road by Archer Lane, keeping the existing plastic drainage pipe

under Learn Rd. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

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PUBLIC WORKS CONT:

B. Road paving, striping projects for 2014 - Proposed Road Paving Projects including, Summit Road, Cherry Lane Church Road, Laurel Lake Road, and Beehler Road, Burton Road, and Line Striping estimated at a cost of \$565,582.50. Discussion followed. G. Hill recommended the Board review the Budget before a decision, since several additional road projects, Stadden Road Bridge and Learn Road, need to be addressed. No action taken.

PERSONNEL

PUBLIC COMMENT

Ridgley Werkheiser suggested the Board to allow Volunteer Organizations to give their reports at the start of the meetings instead of last.

R. Wielebinski noted the agenda will be changed to allow reports in the beginning of the meetings.

Jennifer Wise-Werkheiser requested the Board consider having large Twp. meetings at the Pocono Central Ambulance Building instead of Northampton Community College.

Maxine Turboski re: Traffic problems at Rt.611 and Rt.314

Tony Fuentes, Ken's PDQ, spoke concerning the Zoning Officer, Mike Tripus, requesting the removal of sandwich board signs and banners for his business.

Brad Wise stated the Board had requested ZO Mike Tripus to go after all illegal signage in the Township, especially on properties associated with the Township. All businesses will be requested to remove any and all illegal signage from their properties in the near future.

Bob Demarest suggested the Township form an association of Business persons to assist with creating better signage.

STAFF AND DEPARTMENT REPORTS

Tim Edinger, Twp. Engineer - Reported they met with Tobyhanna concerning the sewerline. A full report will be given at the first meeting of the month.

Leo DeVito, Twp. Solicitor -

A. Planning Commission recommended a two (2) year time limit on preliminary plans for review. T. Felver made a motion, seconded by J. Lastowski, to authorize the Twp. Solicitor to draft an Ordinance limiting the time Preliminary Plans will be held for review by the Planning Commission. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

B. Unemployment benefits have been denied to former Officer Dittman.

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STAFF AND DEPARTMENT REPORTS**

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Kent Werkheiser, Pocono Township Police Chief - reported 285 incidents, 58 traffic citations, 4 accidents, and various other activities for the month of March. A full copy of his report is available at the Township. Judi Coover asked the Commission to reconsider the "Pawn Shop" ordinance as it would impact smaller businesses. K. Werkheiser noted the ordinance would help the police in locating stolen property.

Mike Shay, Pocono Township Fire Chief - reported 24 calls, state training for a total of 160 man hours.

Linda Smith, Central Pocono Ambulance Associations, Inc., Office Manager - a total of 241 calls were handled. The subscription drive will start in two weeks, this year including an individual plan for members. Pocono Township Community Days will be held on September 20th. R. Wielebinski will ask that the information for Community Day be placed on the website.

ADJOURNMENT

Hill made a motion, seconded by T. Felver, to adjourn the meeting at 10:35 p.m., until 5/5/2014 at 7:00 p.m., at the Pocono Township Municipal Building, Tannersville, PA. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.