

**REGULAR MEETING
MINUTES
August 5, 2019 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on Monday, 08/5/2019 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Gerald Lastowski at 7:10 p.m., followed by the Pledge of Allegiance.

President Lastowski asked for a moment of silence to remember Commissioner Harold Werkheiser. He then asked for a moment of silence for the victims and families of the two recent shootings in El Paso and Dayton.

ROLL CALL: Gerald Lastowski, present; Rich Wielebinski, present, Jerrod Belvin, present, Chad Kilby, present.

IN ATTENDANCE:

Leo DeVito, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; Donna M. Asure, Township Manager; and Dee Ackerman, Administrative Assistant were present.

PUBLIC COMMENT:

Ellen Gndt, Twp. Resident, asked what other funds the township was looking at instead of or to supplement the Amusement Tax. Commissioner Lastowski explained that the township was hopeful that Senator Scavello would be successful in providing new revenue sources for the township.

Ellen Gndt, Twp. Resident asked what the solution was going to be concerning the Alger Avenue complaint that was recommended by the conservation district. Bob Sargent reported that a retention basin was recommended by the MCCD to retain the silt from township property but that no time frame has been given for its completion by the MCCD.

Commissioner Belvin stated (corrected at the September 3, 2019 meeting) –

Tonight, I want to make a formal statement for inclusion in our official minutes to address a grave concern stemming from a very serious remark that was made at our Aug 5th commissioner's meeting.

As many Pocono residents know, there has been a rash of municipal shootings in Monroe County that have touched close to home - specifically and most recently with the loss of our Zoning officer, Mike Tripus. Mike's passing left a huge void both in the personal lives of those who loved him and professionally within our township.

In light of the tragic shooting that took one of our own, in addition to the tragedy in Ross Township a few years back, I take it very personally as an elected official when comments are made - even if seemingly "in jest" - that make light of something as serious as a shooting. As elected officials, we sit up here because our fellow residents put their faith and trust in our leadership, and we do our absolute best to make integrity-driven decisions on a host of very difficult issues that impact our township. Today, as elected officials, we sometimes find ourselves figuratively and literally in the cross hairs of angry residents - simply because we are up here doing what we feel is right for our township.

At the Aug 5'th meeting, a seemingly benign issue was discussed regarding ongoing issues with a township drainage pipe and its impact (or lack thereof) on a neighboring resident's property. There were a number of issues at play that were not the township's doing - as has been affirmed and supported by the County Conservation District and our Township Engineer Jon Tresslar.

While discussing this issue, the township minutes reflect that Ms. Ellen Gndt made remarks in relation to this issue, but the minutes do not reflect the details of the exchange, which I would like to have formally reflected in tonight's minutes. As the aforementioned drainage pipe issue was discussed, Ms. Gndt made a comment stating: "she (the affected neighbor) had tried to help herself and put some –allegedly- put some sandbags in there. And I'm just saying maybe if the township had ah, attended to that earlier you wouldn't have got that far. But at least it was a sandbag and not a gun, so" ...(-laughter) - and then she proceeded to laugh. I have been made aware of public meetings in this County where residents were removed from meetings for lesser comments and it is my opinion that this type of "joking" or lewd comment has no place in our township.

The next time a comment like this is made by any individual, I would request that the President have said individual removed from the meeting.

Ms. Gndt also asked what the match requirement was for the Tannersville Safety Enhancement Plan. D. Asure stated that the board had requested that no township money be spent on this project, so a waiver of match money was being submitted with the grant, which according to the grant writer is permissible.

Virginia Trubiano, Twp. Resident, distributed to the board a packet of information concerning issues with the neighboring property which is a business including the Paintball Asylum. She explained there are many areas of concern that she is hoping the township can help resolve. The Commissioners advised her to schedule a meeting with the township manager and she will report back to the board.

Carl Trubiano, Twp. Resident, explained to the board other concerns with the property such as huge trees in Pocono Creek.

ANNOUNCEMENTS:

J. Lastowski announced that the following –

- An executive session was held, Wednesday, July 31, 2019 for police contract negotiations
- Please go to the township website and complete the survey to assist with the update to the regional comprehensive plan
- Residents are encouraged to go to the township website and sign up for Constant Contact to receive the township newsletter and other information
- An executive session was held Monday, August 5, 2019 for litigation concerning the Gndt lawsuit and the recently filed suit concerning short-term rentals by Slice of Life and Marchenko.

HEARINGS:

The hearing was opened to consider Ordinance 2019-04, which amends Chapter 356, Solid Waste; Article III. There was no public comment.

J. Lastowski made a motion, seconded by C. Kilby, to close the hearing for Ordinance 2019-04. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by J. Belvin, to adopt Ordinance 2019-04 amending Chapter 356, Solid Waste, Article III providing changes to the collection times of certain establishments in the Township of Pocono. Roll Call Vote: R Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

PRESENTATIONS: none

RESOLUTIONS:

Resolution 2019-15 -

C, Kilby made a motion, seconded by R. Wielebinski, to adopt Resolution 2019-15 authorizing the application of a Multimodal Transportation Grant in the amount of \$750,000.00 from the Commonwealth Financing Authority to be used to complete the PA SR 611 Turning lane Project. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Resolution 2019-16 -

C, Kilby made a motion, seconded by R. Wielebinski, to adopt Resolution 2019-16 authorizing the application of a Multimodal Transportation Grant in the amount of \$1,284,824.16 from the Commonwealth Financing Authority to be used to complete the PA SR 611 Tannersville Safety Enhancement Plan. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

MINUTES:

J. Lastowski made a motion, seconded by J. Belvin, to approve the minutes of the 07/15/2019 regular meeting of the Board of Commissioners. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

NEW BUSINESS:

Personnel - none

Financial Transactions –Ratify vouchers payable

J. Lastowski made a motion, seconded by C. Kilby, to ratify vouchers payable for a period ending 08/1/2019 in the amount of \$ 73,992.77. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Ratify gross payroll -

J. Lastowski made a motion, seconded by R. Wielebinski, to ratify gross payroll for the pay period ending 07/14/2019 in the amount of \$99,588.23 and pay period ending July 28, 2019 in the amount of \$98,064.64. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Vouchers Payable

J. Lastowski made a motion, seconded by J. Belvin, to approve vouchers payable received through 08/1/2019 in the amount of \$ 121,141.22. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Capital Expenditures

J. Lastowski made a motion, seconded by R. Wielebinski, to approve capital expenditures received through 08/1/2019 in the amount of \$ 803,469.70. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Liquid Fuels

J. Lastowski made a motion, seconded by C. Kilby, to approve the liquid fuels expenditures received through 08/1/2019 in the amount of \$489,000.00. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

TLC Bridge

J. Tresslar, Twp. Engineer, reported that three bids had been received for the TLC Bridge project. The bids came in higher than anticipated especially in two categories, erosion and sedimentation controls and removal and replacement of the bridge deck. This may be due to working over the stream. The bids are –

- MarAllen Concrete Products, Inc. - \$137,270.00
- Minichi - \$171,000.00
- Bi - State Construction - \$175,415.00

The township has received a grant in the amount of \$100,000.00. There is a 15% match required. The township has \$25,000 budgeted towards that match and any additional engineering. The Township Manager was asked to make sure there is money in the budget to cover the overage and place this topic on the next Board of Commissioners meeting.

\$1M CD

J. Lastowski made a motion, seconded by J. Belvin, to roll over the \$1M CD currently at ESSA for another six months at the same interest rate of 1.99%/2.00% APY. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Purchase of 2020 Peterbilt 348

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the President of the Board of Commissioners to execute the purchase document for the 2020 Peterbilt 10-ton dump truck, chassis only, in the amount of \$97,197.00 and to authorize the President of the Board and the Assistant Township Secretary to execute all documents associated with the purchase and financing of the vehicle. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Travel/Training Authorization -

J. Lastowski made a motion, seconded by C. Kilby, to approve the travel of Dean Hartshorn to attend the continuing education for pesticide license on September 3 and 4, 2019 sponsored by Focus On Training at the Best Western Scranton Airport, 30 Concord Drive, Pittston, PA 18641 at a cost of \$255.00 plus mileage and expenses. Discussion followed with B. Sargent as to whether any spraying has been done this year. Roll Call vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

REPORT OF THE PRESIDENT:

Gerald Lastowski, President

Procedure for filling vacancy on Board of Commissioners – Discussion took place on the procedure to fill the vacancy on the Board of Commissioners. L. DeVito, Twp. Solicitor, explained per the code, the board has thirty (30) days to fill the vacancy. If they chose to conduct interviews, these interviews must be done in public. If the board is unable to decide on someone to fill the vacancy by the end of the thirty days, the vacancy board, currently Tom Felver, will be brought in and the vacancy board has an additional fifteen (15) days to make a decision. If no decision is made by that time the courts would then be involved.

J. Lastowski made a motion, seconded by C. Kilby, to have the following procedure followed to fill the vacant position on the Board of Commissioners – the township manager will post on the website and face book that the board is accepting letters of interest for the position of Commissioners. The letters of interest can be emailed, mailed or brought to the township to the attention of the manager. All letters of interest are due no later than close of business on Monday, August 12, 2019. The manager will advertise for a special meeting to be held on Thursday, August 15, 2019 at 6:30pm for the purpose of conducting interviews and any other business that may come before the board. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski informed the board a letter has been received from Camelback granting an extension of decision by the Board of Commissioners until December 31, 2019. It is on the agenda under administration report just to have it documented in the minutes. No action is required.

J. Lastowski asked the solicitor how much taxpayer money was spent on the Gndt lawsuit. L. DeVito reported it was \$2500.00. The solicitor was then asked if the township could recoup this money. L. DeVito stated that the were successful in the litigation, the decision from the courts was based on the fact that the person bringing the claim did not have a good faith basis to bring the claim but the township was never able to argue the merits of the case due to the decision that the person did not have standing. The Board asked the solicitor what the options were to possibly recoup this money. L. DeVito stated that he could reach out thru counsel to request the reimbursement of money to the township. If that does not work the township could decide to determine if additional litigation was justified to be reimbursed.

R. Wielebinski made a motion, seconded by J. Lastowski, to have the solicitor send a letter for reimbursement to Attorney Anders for costs associated with the lawsuit filed by Ellen Gndt. Roll Call Vote: R. Wielebinski, yes, J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

COMMISSIONERS COMMENTS

Rich Wielebinski - Vice President - None

Chad Kilby - Commissioner

Intersection Lighting Update - Commissioner Kilby reported that three lights will need to wait to be completed until the PennDot project along Route 611 is done.

Jerrod Belvin – Commissioner - none

REPORTS:**Public Works**

Road Crew Projects - R. Sargent reported shoulder work is being completed throughout the township

Park Operations - R. Sargent reported all is good at the park.

Lighting from Heritage Center to Basketball Courts – R. Sargent reported he is having issues finding wires and will use the township's locator company to assist with this.

Retention Basin - R. Sargent discussed Alger Avenue issue. M CCD is recommending an approximately 10 X 10 retention area to hold back the silt that is draining onto neighboring property. The Board asked when

this project would be completed. R. Sargent reported it will be done within the next couple weeks.

Driveway Pipe Agreement - Solicitor DeVito has prepared an agreement to be used for the township to install driveway pipe on township resident's property. The following procedure will be used - B. Sargent, Road Supervisor will speak to the homeowner where he believes a driveway pipe installation or upgrade will benefit the township. He will find out if the property owner is willing to buy the pipe, at township cost, have the road crew install the pipe and be willing to sign the agreement prepared by counsel. If the resident is willing, B. Sargent will bring that project, including cost, man hours, etc., to the next board meeting for approval by the board and signature by a commissioner on the document.

Mowing Shoulders - The Board spoke to B. Sargent about complaints received concerning the conditions of the grass on the shoulders of township roads. B. Sargent explained that he plans to schedule crew to complete that task when shoulders are complete.

The Board asked how many pipes have been installed throughout the township. B. Sargent stated he would report on that at the next meeting.

Archer Lane - The MCCD was to conduct a reinspection today. Discussion followed concerning the need to review and move forward the draft Erosion and Sedimentation Ordinance currently being reviewed by the Planning Commission.

Administration - Manager's Report

Regional Comprehensive Plan - The survey is out for people to complete to assist in providing direction for the updated plan. It is on the website and the township face book page.

Traffic Task Force - Meeting in September

Pocono Business Association - Discussion occurred on the next steps. The township manager was asked to send an email, requesting some future dates and to make all aware the Board would like the association to elect a board and a chairman.

Green Light Go 2015 - No update has been received from PennDot.

Green Light Go 2017 - Technical specifications are still being developed.

Savvy Citizen - The app is up and running. We currently have about 120 people signed up.

Constant Contact - The first newsletter was sent out on August 1st using Constant Contact. We have about 70 people signed up to receive the emails from the township. The report stated that 70% of those using constant contact have opened the newsletter.

Staff Training - The Board was informed that most staff have now been trained in Defensive Driving, Blood Borne Pathogens and Active Shooter. We are working with the trainer to find another date to get the final group of police trained. All road crew, park and administrative staff, except for the manager, has received training in CPR/AED and First Aid. The police department will be renewing their certificates this week and the manager will be training with them.

TOWNSHIP ENGINEER REPORT:

White Oak Culvert replacement project - no report - waiting on grant

Right Hand Turn Lanes - Resolution passed earlier tonight for submittal with grant.

TLC Bridge - Discussed earlier.

TLC Dam - Measurements were taken and a cost estimate is being prepared for the grant writer. It appears this project may cost approximately \$365,000.00 including permitting, engineering and design. Discussion followed on the

cost of this replacement.

Culvert Cleaning Maintenance - No report

Master Sidewalk Plan - Everything has been submitted to grant writer on behalf of the township

Erosion and Sedimentation Ordinance – Very important to move this forward with the planning commission

Well at Mountain View Park -

He well produced 4 gallons per minute. The pump test will be performed on Tuesday, August 6, 2019 with samples being sent to the lab.

MS4 - no update

Generator – Phone bids are going out this week.

Bridge Inspections – Looked at bridges on Scotrun Avenue South and Learn Road. Bridges appear to be safe but should be listed as part of the Capital Improvement Plan

TOWNSHIP SOLICITOR REPORT

Exxon Monitoring Wells - no report

White Oak Culvert easements - Documents have been recorded. Next step is to work with engineer to make the connection.

Breezewood Drive Easements – discussion with property owner

Health & Safety Ordinance – The Board can be expecting a draft this week.

Expansion of Water Line on Route 715 – The Board discussed this at their last meeting and were willing to consider this as part of the entire package of the sale of PJJWA

PJJWA - L. DeVito, Twp. Solicitor reported that a target date has been set for the end of the year to complete the sale of PJJWA to BCRA. A meeting was held with the solicitors to discuss the bulk agreement. A discussion was had concerning the possibility of grants to assist with the items that need to be repaired or upgraded within the system such as metes, a well pit for the trailer park, and leak detection and repairs. PJJWA is using funds to repair issues and prepare for this sale which is depleting the bank account. The Board should be aware that there is work that must be done and it has been insinuated that everyone, PJJWA, BCRA, Pocono Township and Jackson Township have to pay something.

Camelback Tornado Ride - J. Belvin made a motion, seconded by R. Wielebinski, to authorize the release of the Letter of Credit for the Camelback Tornado Ride in the amount of \$144, 143.90. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Recouping of Attorney Fees – Discussed earlier.

PUBLIC COMMENT:

Annabella Lastowski, Twp. Resident discussed the original dam and sidewalk as pictured on the wall and asked the board to consider doing away with the dam.

Ellen Gnant, Twp. Resident, commented on the board decision to have the solicitor send a letter to her attorney concerning recouping attorney fees, the unconstitutionality of the ordinance and the waste of money expended by the township on this lawsuit.

ADJOURNMENT:

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 8:35pm. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.