

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**REGULAR MEETING MINUTES**

**FEBRUARY 5<sup>th</sup>, 2018 5:45P.M.**

The Regular meeting of the Pocono Township Commissioners was held on 02/05/2018 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Gerald Lastowski at 5:45 p.m., followed by the Pledge of Allegiance.

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

**IN ATTENDANCE:**

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

**INTERVIEWS:**

G. Lastowski explained the candidates will be taken in order and each of the applicants would be asked similar questions.

Vacancy Board:

- a) Tom Felver was interviewed by the Board.

Planning Commission:

- a) Chad Kilby and Bernie Devine were interviewed by the Board.

Civil Service and Zoning Hearing Board applicants were scheduled for a later time, the Board continued with the regular agenda.

**ANNOUNCEMENTS:**

- 1) An executive session was held on January 31<sup>st</sup>, 2018 to discuss personnel matters. No action was taken.
- 2) G. Lastowski restated the motion to limit public comment to the beginning and end of all meetings. "At the last meeting, a motion was by R. Wielebinski, seconded by B. DeYoung, to have public comment on all issues including agenda items comments at the beginning and end of all public meetings. It passed 4 to 0.

**PUBLIC COMMENTS ON ALL MATTERS:**

Christopher Ortolan, Twp. resident, spoke concerning the limiting to public comment on agenda items. J. Lastowski noted comments will be allowed by stake holders or presenters concerning the motions. Ellen Gndt, Twp. resident, agreed with C. Ortolan comments on the public comments. She questioned the omission of public comments on the work session minutes; the ratified list inclusion of short term disability taxes; and sick time payout for a former employee. D. Asure will confirm with the Twp. Bookkeeper Paola Razzaq the listing of short term disability taxes and report back to the board.

**PUBLIC COMMENTS CONT:**

She noted the employee had given two weeks' notice before leaving allowing for the payment of sick time accumulation as per the contract. Ellen Gndt, Twp. resident, disagreed. J. Lastowski noted the questions will be researched and reported at the next meeting.

J. Lastowski made a motion, seconded by J. Belvin, to suspend the agenda to resume interviews. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**Civil Service Commission Alternate:**

a) Peter Nish was interviewed by the Board of Commissioners.

J. Lastowski reconvened the regular meeting until the Zoning Hearing Board candidate attended.

**MINUTES:**

B. DeYoung made a motion, seconded by R. Wielebinski, to approve the regular meeting minutes of 01/16/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

J. Belvin made a motion, seconded by B. DeYoung, to approve the work session of 01/31/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

J. Lastowski responded to Ellen Gndt's question and noted under the previous board a motion was made concerning comments at meetings and work session meetings. The issue will be researched.

E. Gndt, Twp. Resident, stated she would be recording the meeting.

**BILLS AND TRANSFERS:**

R. Wielebinski made a motion, seconded by J. Belvin, to approve the ratified list for prior period dated 02/05/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

B. DeYoung made a motion, seconded by R. Wielebinski, to approve the check listing and transfers list dated 02/05/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, abstained. Motion carried.

**REPORT OF THE COMMISSIONERS:**

Bob DeYoung, Vice President read a statement concerning PJJWA -

1. Water Agreement and Developer's Agreement are currently being completed by Ralph Matergia and John Prevoznik.
2. HOP Permitting and Bid Documents for water line extension are currently being completed by BCRA.

3. Asset Purchase Agreement for PJJWA system is being worked on by Ralph Matergia and Prevoznik. Ralph to serve as coordinator.
  - a. A model document is being prepared for circulation to Pocono, Jackson, and PJJWA. BCRA will advise on the timetable of when this model document will be provided.
  - b. BCRA will need input and effort from all entities to review and finalize the agreement along with all attachments (e.g. easements, road opening permits, deeds, indemnifications, mandatory connection ordinances, etc.). The scope and budget for each entity to complete this must be discussed and agreed to.
4. Tentative Timetable of Water Line Extension (as discussed with Developer)
  - a. Agreements (Bulk Water and Developer's); HOP Permits; Bid Documents completed by April or May 2018.
  - b. Asset Purchase Agreement for PJJWA- BCRA to advise on schedule of initial model document.
  - c. Bidding, Award, Notice to Proceed of Water Line Extension- May 2018 through July 2018
  - d. Construction of Water Line Extension- July 2018 through November 2018

J. Lastowski added that BCRA may consider an additional well and pump station in the Tannersville area to lessen the impact of the pressure in the lines.

Harold Werkheiser, Commissioner - Absent

Richard Wielebinski, Commissioner -

1) Sidewalks

R. Wielebinski explained in new SALDO, sidewalks are required to be installed. He explained Wendy's was deferred from installing sidewalks during land development approval. R. Wielebinski made a motion, seconded by J. Belvin, to request the Township Manager to write a letter to Wendy's to install sidewalks. Discussion followed on the impact of the Rt. 611 realignment. R. Wielebinski withdrew his motion due to the uncertainty of the 611 realignment and desire not to cause a hardship to businesses. J. Belvin withdrew his second.

2) Dangerous Structures -

Michael Tripus, Zoning Officer, explained he drafted a Notice of Violation for abandon structures at 2990 Rt. 611. L. DeVito, Twp. Solicitor, noted under the Dangerous Structure Ordinance, enforcement procedures require the Board to authorization. R. Wielebinski made a motion, seconded by J. Belvin to authorize the Township Zoning Officer, Michael Tripus, to issue a Notice of Violation conditioned upon the Solicitor's review, to 2990 Rt. 611, Tannersville, Pa. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**COMMISSIONER WIELEBINSKI - DANGEROUS STRUCTURES CONT:**

Discussion followed to the determination of a dangerous structure and cost to enforce. J. Lastowski requested D. Asure reach out to the County for funding opportunities. Discussion followed on the steps required.

Jerrod Belvin, Commissioner -

1) Staff Meetings

J. Belvin made a motion, seconded by R. Wielebinski, to direct the Twp. Manager to conduct bi-weekly staff meetings following the regular Commissioner meeting. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

2) File System - cost - Discussion followed.

3) Road Crew employee - J. Belvin noted the road department is down staff and the remaining crew is handling additional mileage of plow routes, which is a safety concern. J. Belvin made a motion, seconded by R. Wielebinski, to hire an additional employee for the road department - Discussion followed on the possible hiring of a Road Department Supervisor. J. Belvin and R. Wielebinski withdrew the motion until more discussion is possible.

4) COG - J. Belvin, Emergency Management Coordinator, attended the Council of Government meeting and reported on to the Board.

5) Emergency Management - J. Belvin informed the Board he is currently working with the deputy Emergency Management officer on gathering plans, photographs of employees as required by FEMA, GUESS cards for emergencies, and TSB for emergency preparedness.

J. Lastowski suspended the regular meeting to continue the interviews.

Zoning Hearing Board:

a) Angelo Tullo was interviewed by the Board of Commissioners.

**REPORT OF THE PRESIDENT:** Gerald Lastowski, President -

Vacancy Board Chairman:

R. Wielebinski made a motion, seconded by J. Belvin, to appoint Thomas Felver as Vacancy Board Chairman to serve a one year term, expiring 12/31/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Planning Commission Appointment:

J. Lastowski made a motion, seconded by R. Wielebinski, to appoint Chad Kilby, to the Pocono Township Planning Commission for a term expiring 12/31/2020. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**REPORT OF THE PRESIDENT CONT:**Civil Service Commission Alternate:

J. Lastowski made a motion, seconded by R. Wielebinski, to appoint Peter Nish as alternate Pocono Township Civil Service Commission for a term expiring 12/31/2021. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Zoning Hearing Board

R. Wielebinski made a motion, seconded by J. Belvin, to appoint Angela Tullo to the Zoning Hearing Board for a term expiring 12/31/2020. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Realignment of Route 715 - J. Lastowski announced he met with Pennsylvania State Senator Mario Scavello concerning the Route 715 realignment. Senator Scavello requested a letter of support for the realignment. Discussion followed. R. Wielebinski made a motion, seconded by B. DeYoung, to authorize the Twp. Manager to prepare a letter of support to PA Senator Mario Scavello for the proposed PennDOT realignment of Rt. 715/611 as per the Pennoni Engineers revised plans dated 10/17/2017. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**REPORTS:**Finance Committee

R. Wielebinski spoke concerning the position of Interim Treasurer. Discussion followed on the positions of the Treasurer and Bookkeeper.

Sewer Committee

- 1) Kalahari - J. Lastowski noted the meeting with Tobyhanna Twp. Wednesday to discuss Kalahari issues was cancelled. It will be rescheduled.
- 2) B. DeYoung requested the Sewer Committee organize. R. Wielebinski made a motion, seconded by J. Belvin, to appoint Robert M. DeYoung and Gerald Lastowski to the Sewer Committee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Public Works Report

- 1) Wilke Road - D. Asure reported it is moving forward, repairs are scheduled for February 13 or 14.

Administration - Manager's Report -

1. Emergency Management Course - D. Asure noted J. Belvin had abstained from the bill's list due to the inclusion of invoices for courses he has taken for Emergency Management.

## ADMINISTRATION

2. Zelenkofske Axelrod, LLC Engagement Letter for 2017 Audit - D. Asure noted it was incorrectly listed as Management letter on the agenda. R. Wielebinski made a motion, seconded by R. Wielebinski, to authorize the President and Vice-President to sign the 2018 Audit Engagement Letter with Zelenkofske Axelrod, LLC. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

J. Lastowski requested the Board to stay after the meeting to sign all documents and checks after the regular meetings to help assist the staff with processing the bills and documents in a timely manner.

3. Close Citizens Bank Account - B. DeYoung made a motion, seconded by R. Wielebinski, to authorize the Township Manager to send a letter to Citizen's Bank, requesting the closing of a bank account at Citizens Bank from a PennVEST grant in the amount of \$148.25 and to transfer the money to the general fund. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.
4. CD Investment - R. Wielebinski made a motion, seconded by B. DeYoung, to authorize the reinvestment of the \$1M CD, with maturity date of February 3, 2018 at ESSA into a \$1M CD at ESSA Bank for a term of 12 months with an interest rate of 1.58%, the best rate received by four banks. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.
5. Civil Service 2017 Annual Report - D. Asure, Twp. Manager noted she had received the Civil Service Annual Report.
6. Peace Officer's Day - Pocono Township's Chief of Police, Kent Werkheiser spoke concerning Peace Officer's Day to be held at TLC's war memorial park. He requested funding up to \$1,200 to provide safety booklets, portable toilets, and handouts for the event. R. Wielebinski made a motion, seconded by J. Belvin, to authorize \$1,200 for expenses related to Peace Officer's Day to be held, May 16<sup>th</sup> 2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Discussion followed on inspection of the TLC property and footbridge. Jon Tresslar, Twp. Engineer, will conduct a visual inspection of the footbridge and report back to the Board.

- 1) PSATS Conference - J. Lastowski made a motion, seconded by R. Wielebinski to authorize payment for up to two Commissioners to attend the PSATS Convention. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

2) Job Descriptions - D.ASURE explained job descriptions have been drafted for the position of Bookkeeper, Treasurer, and Road Supervisor. J. Lastowski made a motion, seconded by B. DeYoung to approve the job descriptions for the Bookkeeper and Treasurer. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

B. DeYoung made a motion, seconded by R. Wielebinski, to approve the job description for Road Supervisor. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

3) Township Copiers - D.ASURE, Twp. Manager, explained the Township copier is in need of replacement. She received a quote for two copiers from Top Copy for a Co-Stars price of \$3,559.32 with a three year lease and including pickup of the old copier. R. Wielebinski asked if other quotes were received. J. Belvin questioned if a flat bed scanner was included. The Board directed the Twp. Manager to obtain additional quotes and specifications for copiers.

4) LSA Grant - D.ASURE noted the Township has received the LSA grant for two police vehicles with license plate readers. Discussion followed on the vehicles. R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Township Officials to sign the LSA Grant documentation. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to purchase four (4) cars and one (1) pickup. Discussion followed on the quotes provided. Discussion followed in the need for a truck and the correct quote for the truck. Chief Werkheiser left the meeting to retrieve the correct invoice for the Truck. R. Wielebinski and J. Belvin withdrew their motion until the correct invoice was produced. SEE BELOW FOR MOTION

**TOWNSHIP ENGINEER REPORT:**

- 1) Status Report on Sewer Redesign - Jon Tresslar, Twp. Engineer, report the valve has been installed in Valve Station one and Valve Station two should be completed shortly. Discussion followed on the life of the valves.
- 2) Route 611 Sewer Line Relocation Work Update - no report at this time.
- 3) Sanofi Sanitary Sewer Easement - J. Tresslar noted he is waiting for a response from Sanofi.

- 4) Simpson Lot line Adjustment - J. Tresslar explained it is a lot line adjustment for a property located on Learn Road. B. DeYoung made a motion, seconded by R. Wielebinski, to approve the Simpson Lot Line Adjustment conditioned upon the requirements of the Twp. Engineer's letter dated 01/25/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.
- 5) Milnes Change Orders #3 - Monitoring Gauge  
J. Lastowski made a motion, seconded by J. Belvin to approve Milnes Change Orders #3 in the amount of \$8,865.00 to provide a pressure monitoring gauge downstream of the pinch valve at Valve Station #1 as recommended by the contractor and sewer consultant Patrick Briegel. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.
- 6) Milnes Change Order #4 - J. Belvin made a motion, seconded by B. DeYoung, to approve Change Order #4 with Milnes Company in the amount of \$9,974.25 for installation of an eight foot fence around Valve Station #1 as recommended by the Sewer Consultant Patrick Briegel - R. Wielebinski questioned if additional quotes were received. Discussion followed. J. Belvin and B. DeYoung withdrew their motion until additional estimate can be received.

#### **POLICE VEHICLES**

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the purchase of 5 police vehicles, three (3) funded from the 2018 Capital budget and two (2) from the LSA grant. Four (4) 2018 Police Interceptor Sport Utility from New Holland Ford, PA at \$27,188.00 each plus approximately \$17,500 each in up charges and one (1) 2018 F150 Super Crew 4X4 Pick Up from New Holland, Harrisburg, PA for \$32,499.00 plus approximately \$13,000.00 in up charges. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

#### **TOWNSHIP SOLICITOR REPORT:**

- 1) Exxon Monitoring Wells Agreement - L. DeVito, Twp. Solicitor explained he is working on an agreement for the project.
- 2) American Candle Hearing for Liquor License Transfer - J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor to prepare an ordinance and advertise a public hearing for the discussion of the application for American Candle liquor license to be held on February 20<sup>th</sup>, 2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.



## TOWNSHIP SOLICITOR CONT:

- 3) Running Lane Road Vacation  
R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Township Solicitor to prepare an ordinance and advertise the Running Lane Road Vacation for a public hearing to be held on February 20<sup>th</sup>, 2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.
- 4) Kopelson - L. DeVito explained the Kopelson project previously received conditional approval but has been delayed due to the Rt. 715/611 realignment. The applicant's attorney is requesting an extension. B. DeYoung made a motion, seconded by J. Lastowski, to authorize the Twp. Solicitor to revise the Resolution with Kopelson which grated preliminary plan approval grating a 12 month extension from the time PennDOT announces the final plan for 715/611 realignment. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.
- 5) Sign Ordinance - L. DeVito explained the Planning Commission had suggested changes to the sign ordinance. R. DeYoung made a motion, seconded by R. Wielebinski, to forward the revision to the sign ordinance on to the Monroe County Planning Commission and advertise for a public hearing after the 30 day review period. R. Wielebinski questioned an additional amendment. The Board concurred to wait until the additional amendments are included. R. DeYoung and R. Wielebinski rescinded their motion.
- 6) Plaza 611 Easement - L. DeVito explained a release for a portion of the Township's easement. R. Wielebinski made a motion, seconded by J. Belvin, to authorize the President and Township Secretary to execute the agreement for release and extinguishment of easement, approved by PennDOT with DEPG Bartonsville Route 611 Plaza, L.P. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

R. DeYoung questioned Pocono Logistics. Discussion followed on the status of the property.

**RESOLUTIONS AND ORDINANCES**Resolution 2018-29 - Appointment of Zoning Hearing Board Secretary

R. Wielebinski a motion, seconded by J. Belvin, to adopt Resolution 2018-29 appointing Denise Ackerman as Zoning Hearing Board Secretary at her hourly rate plus overtime as per the Union Contract. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Resolution 2018-30 - Brookdale Minor Subdivision - Nate Oiler, RKR Hess Associates, represented the plan. J. Tresslar, Twp. Engineer explained the subdivision and noted the Plan was recommended for approval by the Planning Commission. Discussion followed on the property.

**RESOLUTION 2018-30 CONT:**

J. Lastowski made a motion, seconded by B. DeYoung, to adopt Resolution 2018-31 - Brookdale Minor Subdivision Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Resolution 2018-31 - Classic Quality Homes lot combination plan - J. Tresslar, Twp. Engineer, explained it was for a combination of two existing lots for home and septic placement.

R. Wielebinski made a motion, seconded by J. Belvin, to adopt Resolution 2018-31 - Classic Quality Homes (Pocono Highlands Lot 14 & 43) Lot Combination Plan. Discussion followed.

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

**PUBLIC COMMENT:**

Ellen Gndt, Twp. Resident, commented on the status of the Governor's appointment of the Emergency Management Officer, the PennVEST account closing, accounting of the \$1,200 for Peace Officer's day, objection to section 710 - Sunshine law violation for the change on the agenda concerning the Management Letter, treasurer's report and the summary judgement in the Werkheiser case.

D. Asure noted the Emergency Management Officer's paperwork has been submitted for Governor's approval, she will take into consideration the PennVEST funds to sewer account, the Management letter was a correction to the wording on the agenda. D. Asure noted the bookkeeper Paula Razzaq will be attending future meetings to give a financial report.

**ADJOURNMENT INTO EXECUTIVE SESSION:**

R. Wielebinski made a motion, seconded by J. Belvin, to adjourn the meeting into executive session to discussion a personnel matter at 8:40 until 02/20/2018 at 7:00 p.m., at the Pocono Township Municipal Building, Tannersville, PA. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Respectfully submitted  
Pamela Tripus  
Township Secretary