

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JANUARY 22nd, 2019 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on Monday, January 22nd, 2019 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Gerald J. Lastowski at 7:00 p.m., followed by the Pledge of Allegiance.

ROLL CALL: Gerald J. Lastowski, present; Richard Wielebinski, present; Jerrod Belvin, present; Chad Kilby, present; and Harold Werkheiser, absent.

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:

Ellen Gandt, Twp. Resident, commented on the prorating of Commissioner's salaries and suggested an alternate payment schedule for meeting attendances.

ANNOUNCEMENTS:

An Executive Session was held on 01/09/2019 for personnel.
An Executive Session was held on 01/16/2019 for personnel.
An Executive Session will be held on 01/30/2019 for acquisition of real property.
An Executive Session was held 01/22/2019 for possible litigation.

PRESENTATIONS:

Retirement of Phillip Starner
G. Lastowski made a motion, seconded by C. Kilby, to acknowledge the retirement of Phillip Starner from the Public Works Department effective 01/10/2019 after thirty (30) years of service to Pocono Township. G. Lastowski noted the Township appreciates his service and dedication to the Township. D. Asure noted a clock, mug and gift card were purchased for his service. The motion was amended to include the purchase of the gifts for his service. G. Lastowski amended the motion, seconded by C. Kilby, to include the purchase of gifts. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

RESOLUTIONS:

Resolution 2019-02 - RCAP Grant
R. Wielebinski made a motion, seconded by J. Belvin, to adopt Resolution 2019-02 authorizing the submittal of an RCAP Grant for a new municipal complex. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

MINUTES:

G. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 01/07/2019 Board of Commissioner's meeting. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

MINUTES CONT:

G. Lastowski made a motion, seconded by C. Kilby, to approve the minutes of the 01/09/2019 Board of Commissioner's work session. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

G. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 01/16/2019 Board of Commissioner's work session. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

PERSONNEL:

Thomas Lynott

G. Lastowski made a motion, seconded by R. Wielebinski, to approve the continued leave for Thomas Lynott effective 01/14/2019 until 06/03/2019 as permitted by the Police Collective Bargaining Agreement. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Employment Agreement - Pocono Township Police Chief

G. Lastowski made a motion, seconded by J. Belvin, to continue discussions on the revised employment agreement with Pocono Township Police Chief Kent Werkheiser to be placed on the 02/04/2019 Board of Commissioner's agenda for action. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Employment Agreement - Pocono Township Manager

G. Lastowski made a motion, seconded by R. Wielebinski, to continue discussions on the revised employment agreement with Pocono Township Manager Donna M.ASURE to be placed on the 02/04/2019 Board of Commissioner's agenda for action. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

FINANCIAL TRANSACTIONS:

Ratify Vouchers Payable -

G. Lastowski made a motion, seconded by C. Kilby, to ratify vouchers payable received through 01/17/2019 in the amount of \$2,180.68. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Ratify Gross Payroll -

G. Lastowski made a motion, seconded by R. Wielebinski, to ratify gross payroll for pay period ending 01/06/2019 in the amount of \$106,319.80. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Vouchers Payable

G. Lastowski made a motion, seconded by J. Belvin, to approve vouchers payable received through 01/17/2019 in the amount of \$263,534.55. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

FINANCIAL TRANSACTIONS CONT:Capital Expenditures

G. Lastowski made a motion, seconded by R. Wielebinski, to approve capital expenditures received through 01/17/2019 in the amount of \$15,050.00. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Reinvestment of CD

G. Lastowski made a motion, seconded by R. Wielebinski, to authorize the re-investment of the \$1 Million CD, currently at ESSA to be opened at Wayne Back for 6 months at 2%, as recommended by the fiscal department. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

REPORT OF THE PRESIDENT - Gerald Lastowski

Weiler Corporation donation to the park - G. Lastowski noted Weiler Brush Corporation gave a \$2,000 donation to use for park equipment. The Board thanked them for the donation.

Upper Swiftwater Road Issue - G. Lastowski explained roadway damage occurred near the intersection of Upper Swiftwater and Rt. 314, and the roadway has been deteriorating near the location. It is a PennDOT road and he felt the damage to the road could cause an accident. G. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Twp. Manager to send a letter to PennDOT concerning the road damage at the intersection of Upper Swiftwater Road and Rt. 314. R. Wielebinski suggested D. Asure reach out to the PennDOT safety officer in Lehigh Valley. G. Lastowski opened the motion to public comment. Hearing none. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

G. Lastowski commented on new offers from ESSA.

COMMISSIONER'S COMMENTS:

Richard Wielebinski, Vice-President

Amusement Tax - R. Wielebinski made a motion, seconded by J. Belvin, to postpone the Amusement Tax Collection until 08/01/2019. G. Lastowski opened the motion to public comment. Ellen Gmandt, Twp. Resident, questioned the delay. L. DeVito, Twp. Solicitor, explained due to possible legal action the Township is considering all options. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Archer Lane - R. Wielebinski explained it cost the Township \$28,000 to clean the culverts and the runoff from Archer Lane causes an icing and drainage issues on Learn Road. Discussion followed. J. Tresslar, Twp. Engineer, noted he will investigate options and report back to the board at the 02/04/2019 Mtg.

Harold Werkheiser - Commissioner - Absent

COMMISSIONERS' COMMENTS CONT:

Chad Kilby - Commissioner - No report

Jerrod Belvin - Commissioner

Camera Upgrades at Mountain View Park - J. Belvin explained after new outdoor cameras were installed at the Heritage Center last year, the inside cameras were not able to be connected due to a conflict in programming.

J. Belvin made a motion, seconded by R. Wielebinski, to approve camera upgrades at Mountain View Park for an amount not to exceed \$820.00. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

2019 COG Dues and Township Representatives - D.ASURE, Twp. Manager, explained the dues were paid.

Mutual Aid MOU - J. Belvin explained the board previously approved updating the Mutual Aid MOU's. J. Belvin made a motion, seconded by C. Kilby, to move forward with the MOU drafts provided by the Twp. Solicitor. L. DeVito, Twp. Solicitor noted there are three drafts - Fire, Police, and Public Works, he explained the Township would be required to solidify the Townships for Mutual Aid MOUs, then neighboring Townships would be required to adopt the MOU Ordinance. Discussion followed. L. DeVito, Twp. Solicitor suggested sending the drafts to the department heads for comments, then to the surrounding Municipalities, before the Township adopts it. J. Belvin withdrew his motion, seconded by C. Kilby until the drafts were circulated.

Public work's IDs were issued.

Updates are continuing on Previstar website

REPORTS:**Emergency Services:**

Pocono Township Police - Pocono Township Chief of Police Kent Werkheiser reported 930 incidents for December. Discussion followed on 911 hang-up calls. C. Kilby thanked the Police Department for the outstanding job during the winter storm.

EMS - Absent

Pocono Township Volunteer Fire Company - Absent

Park Board - D.ASURE, Twp. Manager, noted a letter was received from the Park Board concerning rate increases for Pavilion rentals. G. Lastowski suggested moving on the rate increases now, and advertising on the website the increase. R. Wielebinski noted the Park Board recommended the increase be implemented in 2020 and he was in favor of their recommendation. G. Lastowski made a motion, seconded by J. Belvin, to increase the pavilion rates as suggested by the Park Board on 03/01/2019 and to authorize the Twp. Manager to advertise the increase. Roll call vote: R. Wielebinski, no; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

REPORTS CONT:

Public Works Report - Robert Sargent, Road Supervisor, reported during the recent storm there were issues with private contractors pushing snow into the roadways and freezing.

He explained the Friday before Christmas a tree fell into the Pocono Creek and hit the bridge. Medico provided an excavator free of cost and they were able to remove the tree. D. Asure, Twp. Manager will send a letter of thanks to Medico. The Board commended B. Sargent on the excellent job with the tree removal. R. Sargent thanked the Police Department for their assistance during the storm for vehicle removal.

D. Asure, Twp. Manager, requested R. Sargent to get a quote on the guard rail on Laurel Lake Road.

Administration - Manager's ReportPSATS Conference -

G. Lastowski made a motion, seconded by C. Kilby, to approve the attendance of Donna Asure, Twp. Manager, Jerrod Belvin, Commissioner and Richard Wielebinski, Commissioner to the PSATS Annual Conference, 04/11 to 04/14, 2019 and pay expenses associated with the conference. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Run for the Red - D. Asure, Twp. Manager, explained there was poor communication between emergency services and the sponsors in previous years. C. Kilby made a motion, seconded by R. Wielebinski, to approve the Township Manager sending a letter of support for the American Red Cross Run for the Red Marathon with the conditions that the organization meet with Pocono Township's Emergency Responders and Township Manager several months prior to the event with continual updates to and through the event to avoid any lack of communication of important details and expectations of Pocono Township. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Monroe County Elections Office -

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Township Manager to complete the official notice from the Monroe County Elections Office to certify three Commissioners for four (4) year terms and two (2) constables for six (6) year terms on the Municipal Primary 2019. Discussion followed on the additional constable. G. Lastowski opened the motion to public comment, hearing none. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

TOWNSHIP ENGINEER REPORT:

White Oak Culvert Replacement project - J. Tresslar, Twp. Engineer, noted they secured appraisals for the property for the emergency access road - at .03 acres - \$500 and .04 acres at \$680. R. Wielebinski made a motion, seconded by J. Belvin, to engage Mr. McKeown to contact the property owner to pursue the purchase of the easements for the emergency access road. G. Lastowski opened the motion to public comment, hearing none. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

TWP. ENGINEER'S REPORT CONT:

Fish Hill Road Storm System - J. Tresslar, Twp. Engineer, explained the Road Department will start in the spring.

Right hand turn lanes from Rt. 611 onto Rimrock and Bartonsville Ave - J. Tresslar, Twp. Engineer, noted they received comments back from PennDOT. They will wait for the Grant money before addressing the comments.

TLC Bridge Grant - J. Tresslar, Twp. Engineer, noted they are applying for the DEP GP-11 permit. He noted DEP has 89 days to issue the permit. Discussion followed on the timeline for the repair, requirements, and possible grant funding.

Culvert cleaning maintenance - No report.

Master sidewalk plan - part of multi-modal grant - J. Tresslar, Twp. Engineer, noted he was able to photograph the area and is preparing the master sidewalk plan.

Notification of Interrupter grant - Discussion followed on the PennDOT requirements to bid the project.

TOWNSHIP SOLICITOR REPORT:

Exxon Monitoring wells update - No report.

HJP Park and Open Space - L. DeVito, Twp. Solicitor, explained Jackson Twp. contacted him concerning transferring Pocono Township's share the HJP property to Jackson Twp. Discussion followed. The Board concurred to maintain the Township's share of the park land. No action taken.

PJJWA - L. DeVito, Twp. Solicitor, explained he spoke to BCRA and they are still committed to the purchase of the PJJWA. Discussion followed. R. Wielebinski suggested a work session be held with PJJWA to discuss completing the sale. D. Asure will scheduled them for 02/13/2019 Work session at 5:00 p.m.

Compensation Ordinance - pro-rate of 2018 fourth quarter L. DeVito, Twp. Solicitor, explained the prorating of salary for Commissioners. He noted it is not written in the ordinance to do so. D. Asure, Twp. Manager, noted the check can be written to Dixie DeYoung since it is under \$600 and there is no estate account.

G. Lastowski made a motion, seconded by R. Wielebinski, though not in the Compensation Ordinance or written in any policy or minutes of the Township, to pro-rate the 2018 Commissioners' compensation for Robert DeYoung and Chad Kilby. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, no. Motion carried.

Compensation Ordinance - L. DeVito, Twp. Solicitor, requested direction whether if the Board wished to include pro-rating in the Compensation Ordinance.

G. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor to draft an amendment to the Commissioners'

COMPENSATION ORDINANCE CONT:

Compensation Ordinance which will address prorated compensation for Commissioners and to advertise for hearing of the same. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Special Investigator - L. DeVito, Twp. Solicitor, recommended hiring a special investigator for a personnel matter.

G. Lastowski made a motion, seconded by C. Kilby, to hire a independent investigator for \$200.00 per hour for a personnel issue. Ellen Gndt, Twp. Resident, questioned the investigator to be hired. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

PUBLIC COMMENT:

Richard Almquist, Northridge representative, presented a convenance to the Township Solicitor, concerning time shares.

Ellen Gndt, Twp. Resident, noted the Resolution was not part of the package; thanked Richard Wielebinski for his vote; and questioned the compensation payment to Dixie DeYoung. L. DeVito, Twp. Solicitor, explained an estate account has not been opened for Mr. DeYoung.

ADJOURNMENT:

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