



POCONO TOWNSHIP COMMISSIONERS

AGENDA

February 3, 2020 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 –

Please remember to sign in as you enter the meeting room.

Commissioners' meeting – next meeting is TUESDAY, FEBRUARY 18th due to holiday

Hearings –

Presentations –

Interviews for vacancies on boards –

- Chris Peechatka – Planning Commission

**Action items would be the appointment of member to planning commission

JDM Consulting – Jason Fitzgerald – grant update – grant opportunities

Resolutions -

- a. Resolution 2020-01 – Motion to adopt Resolution 2020-01 granting extension of time to satisfy conditions of the plan approval of the Trap Enterprises Route 611 Final Land Development Plan (action item*)
- b. Resolution 2020-02 – Motion to adopt Resolution 2020-02 granting an extension of time to satisfy conditions of the plan approval of the Trap Enterprises Desaki Hotel final land development plan (action item*)
- c. Resolution 2020-03 – Motion to adopt Resolution 2020-03 granting an extension of time to satisfy conditions of the plan approval of the Poconos Hospitality Land development plan (action item*)
- d. Resolution 2020-04 – Motion approving Resolution 2020-01 authorizing the financing of the 2019 Ram 5500 with upfitting as approved in the 2019 budget in the amount of

\$89,341.00 with FNB Commercial Leasing at a rate of 4.5% for three years with a \$1 buyout at an annual payment of \$31,127.50 and authorize the President of the Board of Commissioners to execute the documents. (action item*)

- e. Motion to ratify the change order to the 2020 Peterbilt Dump truck with plow in the amount of \$2,450.00 to E. M. Kutz to add onspot automatic tire chain system to the vehicle (action item*)
- f. Resolution 2020-05 - Motion approving Resolution 2020-02 authorizing the financing of the 2020 Peterbilt Model 348 10-ton dump truck with plow and upfitting as approved in the 2019 budget in the amount of \$168,438.00 (including change order on agenda) with FNB Commercial Leasing at a rate of 4.5% for five years with a \$1 buyout at an annual payment of \$36,780.00 and authorize the President of the Board of Commissioners to execute the documents. (action item*)

OLD BUSINESS

- 1. Motion to approve the minutes of the January 13, 2020 special meeting of the Board of Commissioners (action item*)
- 2. Motion to approve the minutes of the January 21, 2020 regular meeting of the Board of Commissioners (action item*)

NEW BUSINESS

1. Personnel

- a. Motion to approve the March 1, 2020 pension start date for Thomas Lynott in the amount of \$3,520.57 per month per the Election of Retirement Benefits Form as calculated by Beyer Barber Company (action item*)

2. Financial Transactions

- g. Motion to ratify vouchers payable received through January 30, 2020 in the amount of \$ 2,096.52 (action item*)
- h. Ratify gross payroll for pay period ending January 26, 2020 in the amount of \$ 100,761.51 (action item*)
- i. Motion to approve vouchers payable received through January 30, 2020 in the amount of \$ 52,836.67. (action item*)
- j. Motion to approve the capital purchases received through January 30, 2020 in the amount of \$. 49,354.71(action item*)
- k. Motion to accept the co-star quote from Hunter Pocono Peterbilt for the purchase of a 2020 10-ton dump truck in the amount of \$ 98,068.00. (action item*)
- l. Motion to approve the co-stars quote from E. M. Kutz, Inc for the upfitting of the dump truck in the amount of \$ 72,521.00. (action item*)
- m. Motion to authorize the township manager to go out bid for 2020 road materials (action item*)
- n. Motion to approve the \$750,000.00 Capital Reserve CD, coming due on February 9, 2020 to be placed in the Capital Reserve account for capital purchases (action item*)

3. Travel/Training Authorizations (Approve/Ratify) - none

Report of the President

Richard Wielebinski

- a. Update - LED Speed signs (possible action item*)
- b. Discussion on adding alternates as members of the Planning Commission – if an action item – Motion would be to authorize solicitor to draft an ordinance and advertise for a hearing to appoint alternate members to the planning commission. (possible action item*)

Commissioners Comments

Jerrod Belvin - Vice President

- a. Motion to accept the donation of the 39 picnic benches from Sanofi (action item*)

Ellen Gmandt - Commissioner

Jerry Lastowski – Commissioner

- a. Update – Special allocation to fire company for costs incurred at Pocono Manor fire

Keith Meeker – Commissioner

Reports**1. Zoning –**

- a. Motion to approve the lot joinder plan of Koval at 199 Vista Road, ID # 12/5A/1/87 and 12/5A/1/88 conditioned upon the review of the Monroe County Planning Committee. (action item*)
- b. Zoning officer will be inspecting property of former Birchwood Resort for possible dangerous structures.

2. Public Works Report

- a. Update - road crew projects
- b. Update – ice rink
- c. Update – LED lighting throughout township complex – Motion to approve quote from Friedman Electric/Cooper Electric in the amount of \$4,098.96 with rebate from PPL (action item*)
- d. Motion to accept the donation of 3 full sets and one half set of basketball hoops and backboards from Camp Lindenmere (action item*)
- e. PennDot request for township to assume responsibility for flashing light on Sullivan Trail as part of bridge rehabilitation. (Motion and action needed to approve or deny). (action item*)

3. Administration – Manager's Report

- a. Update – Regional Comprehensive Plan- Tuesday, January 28th – 7pm - Stroud
- b. Update - Traffic Task Force
- c. Update - Business Association – held - Wednesday, January 15, 2020 - 7pm
- d. Update – Green Light Go – 2015
- e. Update – Green Light Go – 2017

- f. Correspondence received granting an extension of the Tannersville Point project until July 31, 2020
- g. Correspondence received granting an extension of the Sanofi Perimeter Project until June 21, 2020
- h. Request from Latin American Motorcycle Association to waive the pavilion rental fee of \$100 for their annual chapter BBQ on June 20, 2020. (action item*)

Township Engineer Report

- c. Update - White Oak Culvert replacement project
- d. Update - Right hand turn lanes from Rt. 611 onto Rimrock and Bartonsville Avenue
- e. Update - TLC Bridge
- f. Update - TLC Dam
- g. Update - Culvert cleaning maintenance
- h. Update - Master sidewalk plan – multi-modal grant
- i. Update – Learn Road, Beehler Road, Back Mountain and Bog Road and renaming of “To fish Hill”. Motion to authorize the solicitor and engineer to draft an ordinance setting the speed limit and other safety parameters on the listed roads as well as the renaming of “To Fiish Hill” and advertise for a hearing for March 16, 2020. (action item*)
- j. Update – Well at MVP
- k. Update – generator
- l. Motion to approve the Sardinha Lot Line adjustment contingent upon comments in the B&J review letter of January 23, 2020 being addressed. (action item*)

4. Township Solicitor Report

- a. Update – easements – Breezewood Drive
- b. Update – ZHB dates
 - Abrams/LTS – signs – to be rescheduled
 - Feeling Good LLC – opinion – January 21st – 5pm
 - J.W. Penney – gas station use – decision Tuesday, January 21st - 5pm
 - Johnson Appeal – STR – Tuesday, February 25th at 5pm – Motion to authorize the township solicitor to represent the township at this hearing (action item*)

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

**TOWNSHIP OF POCONO
MONROE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2020-01

**A RESOLUTION GRANTING AN EXTENSION OF TIME TO SATISFY
CONDITIONS OF THE PLAN APPROVAL OF THE TRAP ENTERPRISES
ROUTE 611 FINAL LAND DEVELOPMENT PLAN**

WHEREAS, the applicant, Trap Enterprises, LLC, submitted a final land development plan application for a plan titled "Trap Enterprises Rt. 611 Project" (the "Plan"). The Plan proposes the subdivision of an existing 10.39 acre tract, located in the C Commercial Zoning District, into three (3) lots. The applicant is proposing development on only two of the lots. Lot 1 has an area of 5.90 acres and will be developed with a three (3) story, 36,000 square foot professional office building and associated parking lot. A daycare center is proposed to be located on the first floor of the building. Lot 2 has an area of 1.71 acres and will be developed with a ten (10) pump fueling station that will include a one (1) story, 5,400 square foot building to be utilized as a convenience store, with an associated parking lot and fueling islands. No development is proposed on Lot 3, which has an area of 1.93 acres. The property is located on the west side of Route 611 and immediately across from Discovery Drive, identified as Monroe County Tax Parcel I.D. 12/11/1/17, PIN Number 112-6364-00-76-9007; and

WHEREAS, on July 7, 2014, the Pocono Township Board of Commissioners enacted Resolution No. 2014-30 which granted conditional final plan approval of the Plan; and

WHEREAS, Resolution No. 2014-30 required that the applicant meet all conditions of the final plan approval and record the Plan within twelve (12) months of the Conditional Final Plan approval, and if such conditions were not met, the Conditional Final Plan approval would be considered void; and

WHEREAS, the applicant was unable to satisfy the conditions of final plan approval and record the Plan within twelve (12) months of the Conditional Final Plan approval, and is requesting that the Board of Commissioners grant an extension of time to comply with the requirements of Resolution No. 2014-30; and

WHEREAS, by Resolution No. 2018-46, the Board of Commissioners granted Trap Enterprises LLC an extension of twelve (12) months to satisfy the conditions of preliminary/final plan approval and record the Plan as set forth in Resolution No. 2014-30; and

WHEREAS, the applicant was unable to satisfy the conditions of preliminary/final plan approval and record the Plan within twelve (12) month extension granted by the Board of Commissioners and hereby seeks an additional extension of time to satisfy the conditions of approval.

NOW THEREFORE BE IT HEREBY RESOLVED by the Board of Commissioners of Pocono Township, County of Monroe, and Commonwealth of Pennsylvania the applicant, Abraham and Trapasso Enterprises, LLC, successor-in-interest to Trap Enterprises, LLC, shall

have a period of _____ (____) months from the date of this Resolution to satisfy the conditions final plan approval and record the Plan as set forth in Resolution No. 2014-30.

RESOLVED at a duly constituted meeting of the Board of Commissioners of the Township of Pocono the 3rd day of February 2020.

ATTEST:

Township of Pocono
Board of Commissioners

By: _____
Print Name: Donna M. Asure
Title: Township Manager

By: _____
Print Name: Richard Wielebinski
Title: President

DRAFT

TOWNSHIP OF POCONO, MONROE COUNTY, PENNSYLVANIA

RESOLUTION NO. 2020-02

**A RESOLUTION GRANTING AN EXTENSION OF TIME TO SATISFY
CONDITIONS OF THE PLAN APPROVAL OF THE TRAP ENTERPRISES
DESAKI HOTEL FINAL LAND DEVELOPMENT PLAN**

WHEREAS, the applicant, Trap Enterprises, LLC, submitted a final land development plan application for a plan titled "Trap Enterprises Desaki Hotel Project" (the "Plan"). The Plan proposes the subdivision of an existing 5.44 acre tract, located in the C Commercial Zoning District. The applicant is proposing to construct a five (5) story, 100 room hotel. The proposed building will have a 10,125 square foot footprint with a total area of 50,625 square feet. The property is located on the west side of Route 611, approximately 1,000 feet (0.2 miles) south of the intersection with Discovery Drive, identified as Monroe County Tax Parcel I.D. 12/11/1/8-3, PIN Number 112-6364-04-74-8985; and

WHEREAS, on July 7, 2014, the Pocono Township Board of Commissioners enacted Resolution No. 2014-29 which granted conditional final plan approval of the Plan; and

WHEREAS, Resolution No. 2014-29 required that the applicant meet all conditions of the final plan approval and record the Plan within twelve (12) months of the Conditional Final Plan approval, and if such conditions were not met, the Conditional Final Plan approval would be considered void; and

WHEREAS, the applicant was unable to satisfy the conditions of final plan approval and record the Plan within twelve (12) months of the Conditional Final Plan approval, and is requesting that the Board of Commissioners grant an extension of time to comply with the requirements of Resolution No. 2014-29;

WHEREAS, by Resolution No. 2018-45, the Board of Commissioners granted Trap Enterprises LLC an extension of twelve (12) months to satisfy the conditions of preliminary/final plan approval and record the Plan as set forth in Resolution No. 2014-29; and

WHEREAS, the applicant was unable to satisfy the conditions of preliminary/final plan approval and record the Plan within twelve (12) month extension granted by the Board of Commissioners and hereby seeks an additional extension of time to satisfy the conditions of approval.

NOW THEREFORE BE IT HEREBY RESOLVED by the Board of Commissioners of Pocono Township, County of Monroe, and Commonwealth of Pennsylvania the applicant, Trap Enterprises, LLC, shall have a period of _____ () months from the date of this Resolution to satisfy the conditions final plan approval and record the Plan as set forth in Resolution No. 2014-29.

RESOLVED at a duly constituted meeting of the Board of Commissioners of the Township of Pocono the 3rd day of February 2020.

ATTEST:

Township of Pocono
Board of Commissioners

By: _____
Print Name: Donna M. Asure
Title: Township Manager

By: _____
Print Name: Richard Wielebinski
Title: President

**TOWNSHIP OF POCONO
MONROE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2020-03

**A RESOLUTION GRANTING AN EXTENSION OF TIME TO SATISFY
CONDITIONS OF THE PLAN APPROVAL OF THE POCONOS HOSPITALITY
LAND DEVELOPMENT PLAN**

WHEREAS, the applicant, Poconos Hospitality, LLC, submitted a preliminary/final land development plan application titled "Land Development Plan for Poconos Hospitality" (the "Plan"). The applicant proposes to construct a three (3) story, ninety-nine (99) bed hotel with associated parking, stormwater management facilities, and public water and sewer services. The property is located on the eastern side of Route 611, approximately 1,500 feet north of the intersection with Brookdale Road, on a 3.3 acre site located in the C Commercial Zoning District; and

WHEREAS, on December 18, 2017, the Pocono Township Board of Commissioners enacted Resolution No. 2017-53 which granted conditional preliminary/final plan approval of the Plan; and

WHEREAS, Resolution No. 2017-53 required that the applicant meet all conditions of the preliminary/final plan approval and record the Plan within twelve (12) months of the Conditional Preliminary/Final Plan approval, and if such conditions were not met, the Conditional Preliminary/Final Plan approval would be considered void; and

WHEREAS, the applicant was unable to satisfy the conditions of preliminary/final plan approval and record the Plan within twelve (12) months of the Conditional Preliminary/Final Plan approval, and is requesting that the Board of Commissioners grant an extension of time to comply with the requirements of Resolution No. 2017-53; and

WHEREAS, by Resolution No. 2018-65, the Board of Commissioners granted Poconos Hospitality, LLC an extension of twelve (12) months to satisfy the conditions of preliminary/final plan approval and record the Plan as set forth in Resolution No. 2017-53; and

WHEREAS, the applicant was unable to satisfy the conditions of preliminary/final plan approval and record the Plan within twelve (12) month extension granted by the Board of Commissioners and seeks an additional extension of time.

NOW THEREFORE BE IT HEREBY RESOLVED by the Board of Commissioners of Pocono Township, County of Monroe, and Commonwealth of Pennsylvania the applicant, Poconos Hospitality, LLC, shall have a period of _____ (____) months from the date of this Resolution to satisfy the conditions of preliminary/final plan approval and record the Plan as set forth in Resolution No. 2017-53.

RESOLVED at a duly constituted meeting of the Board of Commissioners of the Township of Pocono the 3rd day of February 2020.

ATTEST:

Township of Pocono
Board of Commissioners

By: _____
Print Name: Donna M. Asure
Title: Township Manager

By: _____
Print Name: Richard Wielebinski
Title: President

**TOWNSHIP OF POCONO
MONROE COUNTY, PENNSYLVANIA**

**RESOLUTION TO AUTHORIZING THE PURCHASE AND FINANCING
OF TOWNSHIP VEHICLES**

RESOLUTION NO. 2020-04

Be it **RESOLVED** that the Township of Pocono, Monroe County Pennsylvania hereby authorizes the purchase of a 2019 Dodge Ram 5500 Crew Cab and A&H Aluminum dump, spreader and plow in the amount of \$89,341.00 as approved in the 2019 budget. The Board further authorizes this purchase to be financed through FNB Commercial Leasing for a term of three years at an interest rate of 4.5% with three payments each of \$31,127.50 and a \$1 buyout at the end of the term.

Be it **FURTHER RESOLVED** that the Board of Commissioners does hereby designate the President of the Board of Commissioners as the official to execute all documents and agreements between the Township of Pocono and FNB Commercial Leasing.

RESOLVED at a duly constituted meeting of the Board of Commissioners of the Township of Pocono the 3rd day of February 2020.

ATTEST:

Township of Pocono
Board of Commissioners

By: _____
Print Name: Donna M. Asure
Title: Township Secretary

By: _____
Print Name: Richard Wielebinski
Title: President

**TOWNSHIP OF POCONO
MONROE COUNTY, PENNSYLVANIA**

**RESOLUTION TO AUTHORIZING THE PURCHASE AND FINANCING
OF TOWNSHIP VEHICLES**

RESOLUTION NO. 2020-05

Be it **RESOLVED** that the Township of Pocono, Monroe County Pennsylvania hereby authorizes the purchase of a 2020 Peterbilt Model 348 dump truck with aluminum dump, spreader and plow in the amount of \$168,438.00 as approved in the 2019 budget. The Board further authorizes this purchase to be financed through FNB Commercial Leasing for a term of five years at an interest rate of 4.5% with five payments each of \$36,780.00 and a \$1 buyout at the end of the term.

Be it **FURTHER RESOLVED** that the Board of Commissioners does hereby designate the President of the Board of Commissioners as the official to execute all documents and agreements between the Township of Pocono and FNB Commercial Leasing.

RESOLVED at a duly constituted meeting of the Board of Commissioners of the Township of Pocono the 3rd day of February 2020.

ATTEST:

Township of Pocono
Board of Commissioners

By: _____
Print Name: Donna M. Asure
Title: Township Secretary

By: _____
Print Name: Richard Wielebinski
Title: President

**POCONO TOWNSHIP BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
JANUARY 13, 2020 - 4:00 P.M.**

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The Special Meeting of the Pocono Township Commissioners was held on January 13, 2020 at the Pocono Township Municipal Building, Tannersville, PA, and opened by President Rich Wielebinski at 4:00 p.m., followed by the Pledge of Allegiance.

ROLL CALL: Jerrod Belvin, present; Keith Meeker, present; Richard Wielebinski, present; Gerald Lastowski, present; and Ellen Gnandt, present.

IN ATTENDANCE: Leo DeVito, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; DonnaASURE, Township Manager; and Dee Ackerman, Administrative Assistant, were present.

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.*

Chris Orlotan, Twp. Resident, stated "I believe we're here today to talk about the RFP, with the TWP looking for another TWP manager. Just a couple of comments, and I don't know where you're going to go with this, but I say this based on 35 years of hiring, firing, and replacing people. I'd have to say I understand the action. I'm not sure from what I see if anybody's taking into account first off, the impact on the rest of the employees here. This is one of the worse things you can do when it comes back down to employee morale, a sense of comfort or security people have working, and in this case for the TWP. I know there are some people that are probably protected, but there are those that aren't. So we've got a message here that says you can do your job well, we can recognize you - give you raises, bonuses, whatever, and yet that's still not good enough. We will go out and see what we can do. Just a very poor message. Not a good way to manage a team, or a group of people, so first point. The second one is when I asked at the last meeting about the objectives of the drivers, I got one answer from Mr. Wielebinski here about the fact is - well of course we want to go out, all I want to do is find the best employees for the TWP. I know that Jerry is not on board with that, the other two Commissioners had nothing to say. On the surface that doesn't sound like a bad reason; of course we want the best for the TWP, but I was very uncomfortable with that answer because first off, and I brought it up at the meeting, it doesn't speak to consistent HR process. If you're going to do it with one, you better do it with every employee that has similar stature, similar role in terms of contract, whatever, across the board, consistency. I was always taught with HR, you can be a jerk about almost anything, as long as you're a consistent jerk. If you're not consistent, you open things up as a problem. What I did after the last meeting, I reached back to some of the HR professionals I worked with over many years, and again, I will be the first to admit I don't have all the detail. I'm not sure anybody does other than you sir. I ran through the scenario and gave them what I know, what my perspective is, and again, it's not like I didn't run teams and generally speaking, what I kind of got back, from one other one person was, again depending on how this plays out, there's a good opportunity here for a discussion with an HR attorney somewhere. OK think you're putting the TWP at risk depending on how you manage this. Again, my perspective, as well as HR professionals I've worked with in the past, so just something to keep in mind. And then lastly, I know I'm not going to get an answer to any other agenda here, I think that will play out as this moves forward. What I will say is that with a couple of the Commissioners over the last couple of years, I have to say, and this is my personal perspective, I'm not sure that all the efforts or actions taken are necessarily in light of what's best for the TWP. I know my level of trust with what goes on here has been doing this (hand level went from high to lower) I think you're lucky, there's as many people as you typically see at Commissioner's meetings, so you get away with a lot of this stuff. I guess my bigger concern, if you go back a few years, it almost looks like we're moving back to the Bengel/Hess school of TWP management. We know how that went. A bad place to be and again like most things, eventually it will come back. Again, I'm hoping for the best but the way it looks is not good.

Rich and Ellen thanked Chris for his comments.

John Conochan, 127 Alger Ave. Maryann is living there all by herself, her and I are separated, and we've lived there for a long time and we've come across now in the last 3 or 4 years a severe water problem of

**POCONO TOWNSHIP BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
JANUARY 13, 2020 - 4:00 P.M.**

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drainage and I'm sure that you've heard this already. Now, there were two homes that were here, everybody knows the whole story. The grounds used to suck up the water. It was great. Never saw water on this side of the road beyond Wayne Daubert's house. Never saw water laying on that road. Never really went down to that drainage pipe which is right before the little bridge that's down here. Since everything's been done, there's a little drain that goes across, that was between the two homes at one time, and that area I've mowed for 20, 25 years. It was dry. All the time. It was dry all the time. Didn't care how much rain we got. It might get wet, but it was gone in an hour. Now it seems to be just an ongoing song. And when you see this whole parking area and pouring down rain and really howling, the water is not staying within the boundaries of the area that was clear. It's actually coming out onto the road and I have talked to Bob Sargent and it is kind of a quick fix, really, but I got "It's been that way for 100 years you know and I really don't know what to tell you." Well, it hasn't been that way. I asked him foremost you have a gate down there in the middle and you have up at the top end of that area you have another gate. Well when it really rains hard, that water rolls out of those gates. Now it comes down and that's going into your pond that you guys had to put in down there – your filtration pond, and in the meantime, it's coming out of here where instead of concentrating to that pond, it's running out on the road and now that little drain that goes across the street in that direction is now getting quite a bulk of water. In turn, Mary's sump pump is just running constantly. Never had this issue. Mold down the basement. I had to finish – she had a workout room down there and now it's really become a really serious issue. And I talked to Bob about the gate there, on both sides, of taking some modified stone, which is no cost to you guys but just the stubbornness really just gets to me is that if he built a mound from the road coming in and sloped it up and right passed the barriers where the two-way that numbers 3 and 2b stone is being stored, if he just humped that and brought it down like this and concentrated keeping the water in this parking lot, it would all go down to that filtration thing and not run over to Mary's. So, it's not like you guys have to go and buy stone, you got it out here and if he puts it in there and he rolls it and he just keeps that bump up, that water will not come out into that area and go over and across the street through that pipe. If you see it in a heavy rain, I don't have to even be standing here because you would be going, 'oh my god'! So that area, to be able to address the top side of the house which is now wet, and that's where that water is coming from because that whole area down through the back going towards Mike Werkheiser's is now a swamp. And that can be addressed quite easily if it was just made to him to be able to take care of it. He has to put it in, he needs to roll it, he needs to compact it, and just make a bump there, a foot bump and the trucks could go right over it. Everything could go over it. It's not like it has to be a nuisance for anyone. Number two. At the lower end where your set-back pond is, you have that drain that goes across the road. We know that's all been there forever. In the time that now the parking lot's been in there, our kids and everyone, we used to picnic underneath that tree down there on the corner. It was beautiful grass. You didn't have a root sticking out of the ground anywhere. It was where we went. It was our little get-away right there. Today you can't walk there cause the roots are exposed from the wash of that pipe coming out across that lawn. It has taken the sediment - taken Mary's lawn - and just taken it down and there's just roots all over the place. Now I know that that has been there forever, but the amount of water has not been there forever. The lawns used to soak up the water. The septic systems in the back there was a big green area. We never saw water unless we had a flood and that was when it came up and over the banks and it became just beyond, and it wasn't anything anybody ever did except for Mother Nature. So down there where that pipe comes across, what we're asking would be to put a rip-rap ditch from that pipe on her side because clearly the water goes back to the creek. Back to that little thing. Just a rip-rap ditch, maybe 5 ft wide in there, take it back and just turn it so it goes back to the creek so it does not come out across the yard. We'll maintain around it. I don't care what you do, but it's washing that and it's killing that tree slowly. We noticed this year that it did not get the leaves it has been because those roots are starting to be exposed.

Rich Wielebinski – It seems like you know what you're talking about and if the other Commissioners agree, how about if Bob gets a hold of you through a telephone call and maybe you and him can meet and maybe look at what needs to possibly be done and if he agrees, he can bring it to us and I know part of the problem was they blamed Mrs. Conochan from what I saw pictures of and whatever pipe was blocked with sand bags, it stopped the water and things like that.

**POCONO TOWNSHIP BOARD OF COMMISSIONERS
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JANUARY 13, 2020 - 4:00 P.M.**

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John - Well we did block that because that's the pipe that is allowing water to come around her house which never had water before. This what I am saying. The water is pouring out of the contained area of your parking lot which never did before because we had grass and everything to soak all this water up. Now it's a flat gravel area so what happens, it's not going in the ground, it's travelling across it and the pitch is coming out to the road.

Rich: Bob did some work there, I don't exactly how much he did or what he didn't do and maybe some of the Commissioners do know, but like I said, would that work for you to meet with Bob to see if what you're suggesting we do as a TWP? John stated, 'Well if he has a more open mind than he had the last time I talked to him on the telephone and don't tell me 'it's a hundred years'. Rich: I think maybe a meeting face to face. John - I'll bring a laser and we'll set it right up and I can show you that the water is running out there. It is not a rocket scientist job, believe me. I've been doing this for 42 years. Rich asked if it was acceptable to John and John responded 'yes it is.'

Ellen: Can I suggest one of the Commissioners or one of the engineers be there too because there is this history of Bob and this family. John, 'Well not me, I'm not afraid of anybody.' Mrs. Conochan said they don't know why Bob doesn't like them. They don't know what they did for Bob to not like them.

Rich indicated John should be present when the meeting is set up and John agreed to be there. Ellen said she wants a fair representation. John agrees to having Commissioners and/or an engineer present so he can show the individuals who are present the numbers. Then they can see that the water is actually coming up. Rich - If you can leave a phone number with Donna and we'll make sure that Bob gets a hold of you and at your convenience, we'll set the engineer up with Bob and yourself and see if we can put this to bed. John OK - what are you saying Mary? I only know that when the Manager was here and this is why I'm here, and I've also been working with the Conservation district, but she said quote unquote that "Bob and the engineer don't want to do anything for you" and that's exactly what they've done since except for putting the retention pond in (Donna is heard saying "I've never said that" and Rich inaudibly responds to Donna), which overflows. It comes in front of the garage all the way up the road, you can see you know, that water is circling my foundation. Since October 16 my sump pump hasn't gone off. We all have a sump pump up here. We all have dehumidifiers, that's fine, but October 16, and then not only then, it's been going on since 2014. There's been no talking to Bob or anybody about it and the fix is so simple. And now they're saying *(people talking over each other 15m 03 sec.* Rich - I'm not trying to argue with you. We did the fix according to what the Conservation District wanted us to do with that property. *This was said as Maryann was speaking.)* in the paper that salt and everything is contaminating my property, all the salt, my well is right in the front of my home. This is very, very upsetting and you guys did something to this property over here without the consideration of directly me - across the street. The property on the other side has only been in the flood plains since 2012. Why it is I have no idea. Dee knows herself that that small creek will run off, use to run the whole baseball field over, come all the way down into my Aunt Jones property, she had lake front, Harold Werkheiser put in a drain right across the street, simple fix, took all that water off of her property. Other than that, I have so many pictures it is not even funny even from 2015. The rest of the water use to go over to Pat Michael's house and Sue Warner's house. They've been rescued so many times it's not even funny and the TWP still did nothing about it, nothing. People almost died! - *inaudible discussion amongst Commissioners through some of Maryann's comments 16m 15 sec into tape* - John states he will leave them his card. Rich - Please, and we will get a hold of you and we will get a meeting together with all the people involved and see if we can get the TWP to, if in fact it's our problem. John agreed, and he was thanked.

Seeing no other public comments, Ellen inquired whether she as a Commissioner can make a public comment. Rich responded they never had a Commissioner do that, but he guesses there's no rules and regulations so whatever.

Ellen stated: Seeing the agenda is short and there's not a lot of people in the audience and seeing how some of our topics may be controversial and because there is no motion on here, it's New Business discussion, I'm asking that I think we should open it up to the public as we go. If a motion is made, I think

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we should reopen it for public comment because I don't think we're providing a reasonable opportunity for them to comment on what may or may not be happening based on our agenda. You look at that, it just says discussion possible. There is no motion on this agenda that they would know what we're going to do. Cause we don't even know what we're going to do. Rich said he disagrees with that and Ellen asks if he knows what he's going to do? Rich indicates he doesn't know what they're going to do. It depends on the motion that's made, it depends if it's passed so no, I can't read people's minds. But I don't think we're going to open it up because our policy has been anything that's on the agenda as an action item, the public is welcome to comment prior to the meeting on each agenda item and then if not, we discuss it amongst ourselves. It either fails or it goes through. Ellen indicates that in our by-laws, it says that if there is not a motion on here, you'll open it up. That's what's in your by-laws. I also have this letter from the local government commission in Harrisburg and it says, although sections offer the option to accept public comment at the beginning of the meeting, it also invites in Subsection C any person to object at any time to a perceived violation. I am not aware of an interpretation of the Sunshine Act which has found that by exercising the option to accept public comment at the beginning of the meeting, the governing body is inoculated from the requirement to allow comment prior to official action particularly if the proposed action was not known to the public at the time the public was invited to speak. In such a circumstance, it would not surprise me if a solicitor found that it was appropriate to offer separate opportunity and it would not surprise me if an objection under Section C was raised by a member. It's in our by-laws and it's, this is from the local government commission. Rich indicates that if she wants to make a motion and if it passes, you're a Commissioner, you're allowed to make a motion and if it's seconded, we can discuss it.

Ellen Gndt made a motion, seconded by Jerry Lastowski to allow public comment on the agenda items as they happen. Roll call vote: Jerrod Belvin, no; Keith Meeker, no; Rich Wielebinski, no; Jerry Lastowski, yes; Ellen Gndt, yes. Motion failed.

NEW BUSINESS -

1. Personnel

- a. Discussion on the terms of employment for the position of Pocono Township Manager necessary to advertise for applicants to apply (action item*)

Rich stated as they talked last week, everybody got an opportunity to look at an email that was passed around with the items for the RFP. Ellen had an opportunity to respond this week and she did. Rich indicated things were added and copies were handed out. Ellen questioned why the copies were not handed out before the meeting. Rich asked when Ellen sent the revisions and Ellen indicated over the weekend and Rich apologized that he saw it that morning. Ellen indicated she sent it to everyone. Discussion followed on the paper that was handed out as she didn't recognize it as being hers. Jerrod Belvin indicated he made the changes on the paper that was handed out.

Jerry questioned why proficiency for grant writing process was still on the list since we have a grant writer? Jerrod indicated most township managers write their own grants and he would like to see somebody who can write grants so we don't have to pay thirty thousand dollars for a grant writer. Ellen said she thinks a grant writing, especially since they want to go out all the time, is a job in itself that's a whole other person to add. The manager, as it is now and has been, is a full-time job without adding another full-time job. You may have TWP supervisors that write grants with the help of their engineer, which we use to do. John Tresslar used to do it. But that's a whole other job. That takes forever and you're going to be tying up our manager who's supposed to operate day-to-day activities, having her camp out writing a grant. It's nothing that happens quickly. Rich doesn't think it would take a whole day to write a grant. He has never written a grant and Ellen has and indicates it takes a long time. Discussion followed on this being a skill they are looking for if they can find it.

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Jerry had a problem with bullet #6 - Willingness to learn the necessary rules, regulations, laws applicable to all TWP operations. He doesn't think the TWP needs to have somebody that doesn't have a lot of experience in TWP government, whether it be 2nd class or 1st class. We had that issue before when Shuster got the job, and we had it with Charlie Vogt where we didn't want this to be a training ground. We wanted somebody to come in that was able to hit the ground running and with that being said, and I will repeat it for the audience, I'm totally opposed to this process. I think we have an excellent manager now and I wish somebody would come to their senses and put a motion to reconsider it to stop this process from happening and destroying what we built so far. Ellen did say in one of her emails, it seems like part of this was tailor made, no pun intended, for a certain person.

25m 3 sec.

Rich Wielebinski made a motion, seconded by Jerrod Belvin, to use Broughal & DeVito to advertise on Indeed, Monster, or any other appropriate job board, the TWP manager position using this RFP as written today.

Discussion followed on having things removed from the RFP that they would all agree on. Ellen agrees with Jerry on bullet #3 Willingness to learn. If it's a management position, you want them to know the rules. If you want an assistant manager, which maybe Donna could use, they have time to learn. You already have somebody who knows the rules so you're going backwards.

Jerry doesn't know if it was included in the handed-out RFP, but he knows on the first draft there was nothing about expertise in contract negotiations, in grievance processes or human resources, which I think is vital to a manager. Another comment that I have is if you're serious about this and you don't have a preconceived notion of who you want in this position, why not put a motion on the floor to have somebody like Dave Walden to do this that's a totally independent entity that does searches for managers that will bring you people, as opposed to putting it out there on a couple of sites to see if people see it or don't see it. I would rather see this whole thing go away.

I'll make a motion that we table it until we can figure out what we're doing because there's a lot of things in here, you did incorporate some of my changes but mostly the salary is still in here. You're going to have every Tom, Dick and Harry looking for a hundred-thousand-dollar job. Rich-Then we'll eliminate that person. That's what this process is for (?) admin to see who's going to apply. Ellen – Well I have a motion on the table. Rich – Well the problem is we have one motion on the floor right now to advertise this as a – Jerry – No, a motion to table and I'll second it, supersedes any motion on the floor that is non-debatable and it has to go directly to a vote. Rich – So there's a second? Jerry – Yes, I did. Roll call: Jerrod Belvin, no; Keith Meeker, no; Rich Wielebinski, no; Jerry Lastowski, yes; Ellen Gmandt, yes. Motion failed.

Jerry – In another comment I have in the light of all of these things, I would like to know from the three of you that are so interested in going out for this RFP, with the criteria that you have down here, I'd like to know specifics on what our current manager hasn't met in this RFP. What hasn't she met that you're advertising to try to find somebody else because I know of no one in business, and Chris you correct me if I'm wrong since you've been involved in business, I don't know any business organization that has somebody that's good that they're happy with that they say ah you're doing a great job, I'm happy with you but I want to go out and see if there is somebody else there. That just does not happen. Jerrod – To discuss shortfalls would be a violation of personnel. You act like we haven't had Executive Sessions. Jerry – We've had one where this was brought up and then my comment were, if you've got concerns with the manager, sit down with the manager, talk to her about what you perceive she's doing or not doing, and see if those concerns are correct. To this date, I don't think anybody has. Jerrod – We've never sat down with the manager and discussed shortfalls? Jerry – I've talked to Donna when I've had concerns. Jerrod – Chad, Rich and I and you didn't go over this in

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the past? Discussing shortfalls? Jerry – We had one, yeah and I just explained to you what I suggested at that meeting to do. Jerrod – But that was more than one time. Jerry – No, we met one time in that back room. Rich – We met here in this room also. I don't know how many times we met, but I know we met in this room. Ellen – Well I've asked to see the personnel file and there's nothing in there so there's no record of whatever you did.

Rich – Any more discussion on this? Ellen – Yes. I think you should take out the 85 to 105 thousand and ask them for their salary requirements. I don't think it matters what your bachelor's degree is in if you have the right experience. I don't think five years' experience is enough for a top management position. Asking for one-hundred-thousand dollars, you get somebody right out of college, they work five years, never in local government or whatever, five years isn't really a lot. I don't know if I can go out to Chris, I mean, is there a year experience thing that you've seen? Rich – This isn't open for debate so I'm sorry. Ellen – I'm asking for input. Rich – Well, it's your opinion here. This is for the Commissioners to make a decision on and you can have your input and at the end of the day, we're going to make a vote and go whichever way it goes. So, this isn't open to the public to hear badgering back and forth because that's what it turns out to be. If everybody agrees, we will take out the 'Willingness to learn' – Ellen – I apologize but I don't think your public comment is badgering. Gerry – I would like the willingness to learn the necessary rules and regulations taken out. Ellen – I have a question for Lisa. We're doing this for one specific employee and not every appointment that there is. Is that a potential liability that we're treating one employee different than the rest? Lisa – No, this is not a union position it's an at will position so no, that would not be an issue. Ellen – And what is torturous interference with a contract? Lisa – Well depending on what the contract is, if there's a situation that's specific as to somebody interfering with a legal and valid contract, they can make a claim of torturous interference with a contract but it's fact specific, depending on what you're looking at. Whether there has been a tort committed with respect to a particular contract. Ellen – I also think we should take out Pocono Township is in a sound financial condition because they're not and it doesn't matter. When you're budgeting out of deficit, you're not in a good spot. Jerry – Do we have in here anywhere of all the after-hour meetings that have to be attended? Rich – Yeah, I think Ellen made a note. Ellen – Well I did but I don't necessarily see it here. Would have to ask Jerrod because he made the changes. Jerrod – Here, willing and available to attend numerous meetings each month in addition to a daily work schedule. I'm fine with getting rid of a minimum of five years as well. Ellen – I just want to know if our current manager would reapply and happens to be the best qualified, are you open to rehiring her or is this you definitely have to have an outside person? Jerrod – No. Rich – She has the right to apply. I said that originally. So, are we removing the five-year municipal experience or equivalent experience? Ellen – Well I wanted to increase it, I didn't want to necessarily take it out all together or we'll get somebody with no experience. I don't know what COB means on the last line. Jerrod – Close of business. Ellen – Is that a well-known acronym or should we spell it out for the applicants? I also thought that we should tell these people that this is an appointment. It's not like you come in and it's your job. Every two years, or whenever, but at least every two years, or at most every two years. If this is going to be the policy, not just this one time, if this is your policy every two years, you're going to be doing this, looking for the best candidate and I would think it would be because I don't like it but if that's what you want to do then I think it's going to be happening every two years and I don't think you are going to get people to apply. Jerrod – But it's an at will state either way.

Maxine, a member from the audience requested the microphones be put on or speak louder so the attendees can hear.

Rich – I know we're all not through with reading this but where are we with removing any of these other qualifications? So far the thing I've crossed out is Willingness to learn rules and regulations, laws and applicable (*inaudible*). Jerrod – And change COB to close of business. Jerry – And I would say don't take out that whole statement. Cross out willingness to learn and place in a knowledge of Rules, Regulations and Laws applicable to all TWP operations. Ellen – And/or develop ?? the

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experience in negotiating union contracts and resolving grievances. You have two unions. The bulk of our employees are union. Jerry – And human relations experience. Ellen – Yes, in relations you have to know health insurance, payroll taxes, payroll, HIPPA, so much to know. Rich – Number one we use a labor attorney that guides us through negotiations, and you should know that because you hired a special attorney I believe to do the roadcrew, two, three years ago. So, I'm not saying the manager shouldn't have some type of knowledge about contracts ... to adhere to contracts but to negotiate a contract, I'm not sure that's necessary. Jerry – Greg Schuster did it. Rich – Yeah, I know and what happened with him within two years, the board you're on Jerry, I'm not saying you were part of it, but. Jerry – You better not say I was part of this. Rich – I clarified it, but they got rid of him, didn't they? Jerry – Yes, they did but not for reasons that he wasn't doing his job. There were people on that Board who felt he made too much money and they gave him an offer that he couldn't accept yet they said sure Greg, you can stay, you're doing a great job but we're cutting your salary and your benefits. Greg Schuster said no you're not and he left. It wasn't because of his job performance. Rich – But even Greg, he used our legal attorney, I believe he used them. Jerry – No he did not. Rich – Not at all? Jerry – No he sat at the table. I sat at the table and Kent sat at the table. There was no attorney. Rich – Well we're using an attorney today. Jerry – Yeah, well you're only looking at one part of it. The attorney might negotiate a contract, but the manager is the one whose responsibility is to make sure that that contract is followed and resolve any problems that come about as a result of that contract. Rich – I agree. I said they have to have knowledge of knowing what a contract is about (**?? 40m 03s**) when you are going to read a contract. I agree with you. Ellen – But that's not in here. Rich – So how do you want to word it? Not to negotiate it. The ability to read a contract and understand it? Efficiency and understanding contracts? Ellen – Experience in Union contracts and resolving grievances because I believe day-to-day operations, if a grievance comes in, wouldn't Donna be the first, or the manager be the first point of contact? Rich – In some cases, yes. Jerry – I think according to our food chain and everything else, Donna is the one who receives the grievances. Ellen – And she has done that in her previous jobs as Commissioner and Jail Warden. She has HR all the way through TWP Supervisor, Commissioner, Jail Warden, Emergency Management Coordinator, she's done it all and when you do this, people start looking for other jobs and when you don't do it evenly across the board, you're going to have to ask what's your motive, because it's not the best employee. I'm sorry. If you're concerned with the best employee, you'd want best employees in every single spot we have such as road supervisor, we're not doing anything there. Solicitor, Engineer, all these are appointments and we're not doing anything there. So, you can say it all you want but.

Jerrod – I'm ok with removing the salary range. Is anybody else ok with that? Rich – It's removed. Close of business was changed from COB.

Ellen – Do you want the three work references down with all the other stuff, cover letter, resume? That kind of all goes together so they don't overlook that. Jerrod – Yeah.

Ellen – So are we putting in human resources or are we saying the manager is not involved in that? Hiring, firing. Jerrod – I'm fine with that. Ellen – So in my paper I had management level of experience in human resources such as conduct all employee interviews; hire and terminate staff; administer two union contracts or receive payroll and payroll taxes; administering health, disability and pension benefits; performing performance reviews; ensuring compliance with federal labor standards, HIPPA and other rules and regulations. Rich – Just circle that. I'm not going to write all that back down again. Ellen – Right.

Ellen – Also experience in administering a CDL program. That's pretty important. Rich – Right now I believe our insurance company handles that. I know Donna has oversight over it. Jerrod – (**inaudible**) It's just been the piece that ?? Donna – Right, they now use Escreen which I get alerts every quarter which randomly picks the guys and I need to get them up there for their testing and then submit that paperwork and it comes back with the results and PSATS keeps track of it.

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Ellen – I'm not really sure about the planning and land development. I don't know how much a manager needs to know about. They need to maybe know of it, but I'm not really sure of what that means. I kept it in too but what is it you think a manager is doing in that regard? Jerrod – Familiar knowledge with SALDO. Ellen – What would they use that for? Jerrod – Because we have a pretty extensive SALDO ordinance. Ellen – I know but don't you go to Zoning for that?

Ellen – So I think we also have to talk about how, when these applications come in, are we going to rate them? What is our interview process going to be and how are we going to rate these employees, compare one to another? Jerrod – We have time to figure that out. Rich – Yeah, it's going to be on the meeting where we'll have to sit here and look at each resume and make a decision. Are we going to move forward? Are we going to interview them or not? Jerry – According to this, the interview has already happened. Well it's January 7, 2020. Interviews will be conducted on January 7, 2020. Jerrod – No it's supposed to be January 27th. Ellen – That was the other thing that I had in mind. First of all, I think top management position you need more than two weeks for people to answer an ad. I also think spending more than one day to interview. I mean it took us days. Jerry – It is going to take you, depending upon the number, the very first time when we became first-class TWP, we had over 60 applications that the screening committee had to screen. That took quite a while because they were extensive and they had to narrow it down to 10 and then those 10 were called for phone interviews and then the final finalists, I don't remember whether we got 3 or 5, were called in for interviews. It takes time. It's not going to happen in a week or two weeks. Plus if somebody's serious about coming here from someplace else, they've got to discuss it with their family, they've got to look at moving and make some very life changing decisions and I don't see too many people doing that within a span of a week or two.

Angela - An audience member interrupted – They don't have to start within two weeks. I do interviews through work all the time. Rich – Angela, I'm sorry. Angela – I know but he's misleading people. Jerry – How? Angela – You're misleading people. Jerry – How? You're playing political games Jerry. It's a game. Jerry – How am I misleading people? Angela – Because interviews take as long as you want it to take or as short as you want it to take. People want to get jobs. It doesn't mean that they have to start **(inaudible)**. Ellen stated that this was out of order. Rich – Angela, thank you but. You're pout of order, Angela – I understand, thank you. Rich – Here's the thing. We advertise it. I don't see advertising for any more than two weeks. What resumes we get in two weeks, we look at them collectively together, which will be provided by Leo or Lisa, and then we make a decision if we're going to interview those people. There may not be any candidates whatsoever. Jerry – I would like them ahead of time. I think this is legitimate. I would like them ahead of time so we have a chance to look at them before the meeting. Rich – That's fine, sure, I understand that. Ellen – What do you mean before the meeting? Jerry – I don't want to get them that day and have to discuss them that day. Rich – And from you you're telling me Jerry, from the last time, a lot of them are going to be thrown in the garbage because they're not going to have the qualifications if they just look at where they are and what they are and if there is somebody there that really stands out and we want to interview them, then you're right, we'll negotiate as a group on when to bring them in. It may not happen on February the 7th, which that **(inaudible)** I should have saw that, you can't do it backwards, but I think two weeks is enough time to advertise to get if anybody's interested and if not, I mean you can put it out there for a month what more are you going to get, more that we're going to go through? Two weeks advertisement for a job. Ellen – Yeah, I don't think that's a lot. We're talking top management. We're not talking clerical. Rich – Listen, if people are looking on Indeed, because they do searches every single day, they will apply right away. And they'll discuss things with their families if they want to move or they don't want to move and if they don't want to move, they shouldn't apply. And of course, if we think they're worthwhile bringing in, that's when we have to call them and say on this certain date that we agree on, we'd like to interview you face to face.

Ellen – I think we need to advertise on a management website, maybe more like Glass Door than Indeed. Rich – Whatever is appropriate. Glass Door, Lisa? Indeed is also management, believe me, but Glass Door, that's fine.

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Rich – I wrote some things down that you wanted added. The ability to interpret contracts and the HR ability to conduct appraisals with employees. I agree with that. I think everybody would agree with that. Gerry – How about experience in grievance processing?

Rich – Anything else? Ellen – Well, it's hard to see it all. Is the budget in here somewhere? We're not talking about the budget in here. Ellen – It's her job. It's the job of the manager. Is it in here?

Preparing the budget? That's a big one. Experience preparing budgets. I mean, in my paper, I took everything right from the manager's ordinance and I'm thinking. Gerry – The budgets the second paragraph Ellen. Ellen – Is it? Ok. I guess the format of this, that's kind of like, I don't know. We have some qualifications in a paragraph and then we have some bulleted. I just don't necessarily know that the format is easily read. I'm just thinking maybe some of those paragraphs should be bullet items I guess is what I'm saying. Rich – We can make that second paragraph on there a bullet item because that's basically what it talks about in a lot of detail. Ellen – I'm just thinking most of those paragraphs are bullet items. Rich – We can bullet every item Ellen. Ellen – And then you didn't think putting the little blurb about it being governed by ordinance was necessary? I think we should at least refer them to it on our website so they know what exactly it is. You're not going to find a lot of people that have been a TWP manager, you're going to be finding people that will want to make maybe a lateral move and they should probably know government is not like everybody else. Rich – I think anybody that applies for this job that is worth their salt in whatever, understands that it's a government type job and there's rules and regulations that have to be followed. If not, I think their resume will stand out and tell us that. Ellen – Everybody else feels the same? Not surprising. So, are you going to put this together so we can look at it again because it's hard to tell what it's going to look like? Rich – I was going to hand it over to Lisa with this red line copy so to speak to make sure she'll redo it and put it into at least those three job boards that you are aware of, that you and Leo feel are appropriate to do the search. Lisa – Ok. Ellen – Because I would like to see it before it goes to print, and I don't necessarily want to vote on it before I've seen it. I don't want to vote on it at all but. **(54m 02s WHO IS SPEAKING? RICH?)**

– Well, the motion on the floor is to have them advertise and my thoughts on this meeting was we got together specifically to discuss this, to move this forward, not hinder it and that's all that I think you are trying to do is to drag it out for whatever reason. That's my opinion. Ellen – I think you are trying to rush it but I don't know what the big hurry is but I would like to see it before it goes to print to make sure that all the changes that we've talked about are in it. Jerrod – Well I mean it's on a recording. Ellen – I know. Rich – And then are you going to ok it through email to say you've looked at it, you're fine with it to advertise it, or what are you going to do? I'd like your opinion right now or are you just going to read it and close your iPad and that's it? Ellen – Well I don't know. I mean if we're not voting on it tonight then we're going to have to vote on it later. If we are voting on it tonight. Rich – The motion right now is to advertise it. Ellen – OK but what? What are we advertising? Commissioner Wielebinski stated advertise this and the additions that both you and Jerry asked to be included in this. Ellen – Then I would ask if you make a friendly amendment subject to seeing it before it goes out. Rich – Then again, I ask you are you going to look at it and say thank you or are you just going to look at it and do nothing? Ellen – Well I will look at it and say that's what we talked about and then it's a go or what about this we were going to put in there and that you missed it? Jerrod – But you can't take physical action through email so. Ellen – You're approving it tonight subject to the changes being made. We do that all the time. Lisa – I think it's just so that everybody gets one last shot to confirm that all the changes that were agreed upon by the motion are in fact in the ordinance. This way everybody looks at it in case there's a typo, something got missed, and as long as it's in line with the motion. Jerrod – Well that could go back and forth for weeks. I mean if we're going to go back and forth, there was no point in having this meeting. Rich – Well it's partly my fault too. I'm ok with you looking at it, really I wouldn't mind seeing it too because I know I wrote some things on here that probably need some corrections, spelling additions, whatever it may be, but after we all look at it, then we all have to say yes, that's what we talked about and we advertise. I believe that's what the motion was, to advertise this.

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Roll call: Jerrod Belvin, yes; Keith Meeker, yes; Rich Wielebinski, yes; Jerry Lastowski, no; Ellen Gndt, no. Motion carried.

Commissioner Wielebinski – Talking about the Chief, is that considered executive session? Ellen – Yes.

Rich – The Assistant Road Crew Foreman, that would be public discussion I believe, it's a new position. Lisa – The answer is yes and no. I guess to the extent the Board can have a discussion, just generically with respect to the position, but I would like an opportunity just to briefly discuss the issue of this being a new position in light of the fact that the TWP does have a CBA, there could be a potential litigation because of the CBA so I want to have an opportunity to discuss that in Executive Session.

Rich - So the next two items will be Executive Session material. I'll move on with the agenda. I have nothing else to report. Mr. Belvin – No. Ms. Gndt, comment, anything else? Just that I'm not in favor of looking for new because I think what we got is good and it's going to do irreparable harm to the morale. I just want that to go on record. Mr. Meeker – Nothing sir. Mr. Lastowski – Nothing. Is there any other public comment?

Chris Orlotan – I run the risk of badgering you but two quick things. First, and I know the question about whether this is subject to issues of well - this is not done with other positions, it was mentioned well it's not a union position so I guess that doesn't factor in. I would say I know it was also said well positions are at will. Almost everybody is at will. What I have seen, and I've seen it numerous times, doesn't have to be union, it's still consistent at location of process. So again, just a different prospective that you bring there. As far as experience, this is a 12 to 15-year minimum position. Without that, it's not going to be there. I look back at what Donna has done over the years, I know we go back to the first year she worked, I believe almost 24 hundred hours (2,400) for the year. Standard is somewhere between 17, 16 and 18 hundred so quite a bit done there. The other thing about the grant writer. These are little things, but you talk about just adding on top of it. I can say, I did do a grant this year. I did it for the Water Authority. That is not a little bit of effort to do it right, to do it complete, to circle what you need to do to get to the right people, to get the right information, takes a little bit of time so diminishing that I think is a problem. And lastly, I'll go back to the last point I made when I stood up here initially as far as the Special Agenda. Again, pinning it on me, this is Special Agenda here. We've got a couple of Commissioners that have made the decision of we're going to move this direction. We've got the third Commissioner that no matter what the other two say are going to just move and go fine, I'll wave and go I'm with you. I don't think that speaks well for the TWP because I'll say I'm not sure it's meeting the best needs of the TWP. I don't think it's meeting the best needs of the residents, but we'll see how this plays out. I would suggest, back to personnel, depending on where this goes, I think Donna should talk to an attorney and start to push it down that direction and see where that goes. Thanks.

Annabella Lastowski, township resident – In my experience as a teacher, I not only taught, I was a contract negotiator, I was a union president both on the local and national level, and in all instances we relied on our constitution and by-laws as to how we conducted business. That constitution and by-laws also applied to hiring and firing personnel. Now that was all documented, it was all very, very clear. From listening to you, I don't think you have a clear statement as to what your hiring and firing policies are or as you would use retention or dissolution of a position. Really think about what you're doing. Hiring someone, and you have to be very careful about this, hiring someone with absolutely no knowledge of this type of business is a death now for this TWP and it will remain a death now, and you will be the ones to be blamed when it fails. Thank you.

Angela Tullo, township resident - I just want to make a quick comment here. Whatever the situation was with Donna we'll never know because human relations, employee relations issues are conducted

**POCONO TOWNSHIP BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
JANUARY 13, 2020 - 4:00 P.M.**

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privately so anyone saying, oh I don't know why, and she's so nice, or whatever the case may be, really? I'm sure it(?) doesn't have the facts. So, I do think there were probably some meetings before this. Pennsylvania is an at-will state so people can be let go for a variety of reasons or no reasons, especially when it's not a unionized position so however you guys do this, people get jobs very quickly. The interviewing process can be done as quickly or as slowly as people kind of make it go, if that makes sense. And when people want jobs, they want jobs. If they have to talk to their families, they talk to their families; but you know with work, we've interviewed quite a few people in a very, very short period of time especially when there's designated people doing the first interview, second, third, etc. ok, so I think this process can move a little bit smoother. At this point, and I think I am very confident in what I said before, there's a lot of political grandstanding going on and I think it's unfair because these employer relations issues can't be aired out and you know that. Thank you.

Rich Wielebinski made a motion, seconded by Jerrod Belvin, to close the meeting at 5:07pm and go into Executive Session and will not be returning. Roll call: Jerrod Belvin, yes; Keith Meeker, yes; Rich Wielebinski, yes; Jerry Lastowski, yes; Ellen Gndt, yes. Meeting adjourned.

**REGULAR MEETING
MINUTES
January 21, 2020 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on Tuesday, January 21, 2020 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Rich Wielebinski at 7:00 p.m., followed by the Pledge of Allegiance.

ROLL CALL: Jerrod Belvin, present; Ellen Gndt, present; Jerry Lastowski, absent; Keith Meeker, Present; Rich Wielebinski, 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.

PUBLIC COMMENT:

Mike Velardi, Township resident spoke to the operation of Short-Term Rentals in residential district. Discussion followed concerning the reporting of these properties to the zoning officer and the police. The Board emphasized that the township must be aware of their presence in order to go through the zoning process to which requires notification to the property owner, 30 days to appeal and so on through the court system. It was stressed that the police cannot enforce zoning but should be notified if there is a disturbance such as noise that they would be able to cite the tenants.

ANNOUNCEMENTS:

R. Wielebinski announced the following –

- Please remember to sign in as you enter the meeting room

HEARINGS: none

PRESENTATIONS:

The Board began interviewing residents for open vacancies on various township boards.

Roger Hanna – Mr. Hanna was interviewed for a position on the Planning Commission. He has been in the building industry for over twenty years. He has dealt with both residential and commercial. He is now retired and can devote time as a public servant. Commissioner Gndt questioned whether or not there had been a letter of interest submitted or a resume. She stated this is required per the Commissioners' Bylaws. Mr. Hanna had not submitted anything in writing at this time. The Board asked if he would submit something to the township manager and the board will consider the appointment at the next meeting. Mr. Hanna stated that he could do that.

William Sayre – Mr. Sayre was interested in being appointed as an alternate to the Zoning Hearing Board. He has spent thirty plus years in construction. Serves as a member of the fire company. He was asked if the time of the hearings would be a problem and he stated no.

E. Gndt made a motion, seconded by J. Belvin, to appoint William Sayre as an alternate member of the Zoning Hearing Board with a term to expire 12-31-22. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Richard Tullo – Mr. Tullo was interested in being appointed as an alternate to the Civil Service Commission. He stated he has years of corrections and law enforcement experience. He has many degrees and attending day meetings would not be an issue. There was discussion since there is only one position remaining on the Civil Service Board and two residents are interested how should the board proceed. The other candidate stated he is more interested in the planning commission.

R. Wielebinski made a motion, seconded by K. Meeker, to appoint Richard Tullo as an alternate member of the Civil Service Commission with a term to expire 12-31-23. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Steve VanAuken – Mr. VanAuken is interested in serving on the Planning Commission. He has been a resident of Pocono since 2001 and spent many years in banking. He was an alternate member of the Zoning Hearing Board and is available to spend time volunteering for the township. He has engineering and construction experience and is able to read plans and knows rules and regulations.

After discussion it was decided to place the appointment of a planning commission member on the next agenda to see if the other applicant submits a letter of interest.

RESOLUTIONS: none

OLD BUSINESS:

MINUTES:

R. Wielebinski made a motion, seconded by E. Gndt, to approve the minutes of the 12/16/19 regular meeting of the Board of Commissioners. Under discussion the board asked if all corrections had been made. D. Asure reported that they had. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve the minutes of the January 6, 2020 Reorganization Meeting of the Board of Commissioners. Under discussion, Commissioner Gndt stated that on page 2 under discussion she spoke of making Frank Cefali the accountant not the auditor. Also, under page 4 under discussion for the motion to appoint Mike Velardi to the planning commission, Commissioner Gndt stated that she questioned the interview process and this was not reflected in the minutes. R. Wielebinski stated he would amend his motion to include those changes, Commissioner Belvin agreed to the amendment. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Commissioner Wielebinski asked if the Board would agree, like has been done during the past two years, that he make motions to move through old business on the agenda. There was no opposition to this suggestion.

R. Wielebinski made a motion, seconded by E. Gndt, to approve the minutes of the January 6, 2020 regular meeting of the Board of Commissioners. Under discussion Commissioner Gndt stated that on page 2, the first two motions list C. Kilby instead of E. Gndt. Commissioner Wielebinski stated he would amend his motion to include those corrections, Commissioner Gndt accepted the amendment. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

NEW BUSINESS:

Personnel –

D. Asure reported that there are no documents which set the term for the Pocono representatives to the PJJWA Board. The past few years the term has been for one year but the motions made at the reorganization meeting did not set a term for the appointees. R. Wielebinski made a motion, seconded by K. Meeker, to set the terms for the PJJWA appointees as one year with the current terms to expire on 12-31-20. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Financial Transactions –

Frank Cefali, Township Treasurer gave the 4th quarter 2019 fiscal report. He stated that revenues ended the year slightly ahead due to the real estate transfer tax received from the sale of Camelback. He stated that no fund balance was used. He explained that the expenditures ended the year at about 91% and this is due to vacant personnel positions in different departments during the year.

Ratify vouchers payable

R. Wielebinski made a motion, seconded by E. Gndt, to ratify vouchers payable for a period ending January 16, 2020 in the amount of \$ 13,311.60. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Ratify gross payroll -

R. Wielebinski made a motion, seconded by E. Gnandt, to ratify the gross payroll for the pay period ending January 12, 2020 in the amount of \$ 99,823.02. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Vouchers Payable

R. Wielebinski made a motion, seconded by E. Gnandt, to approve vouchers payable received through January 16, 2020 in the amount of \$ 156,768.14. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Capital Expenditures -

R. Wielebinski made a motion, seconded by J. Belvin, to approve the capital expenditures received through January 16, 2020 in the amount of \$ 21,653.50. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Schlier Letter of Credit -

R. Wielebinski made a motion, seconded by J. Belvin to approve the request for a reduction in the Letter of Credit for Schlier LDP construction escrow by \$ 160,737.50. as recommended by Boucher & James. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Police Vehicle Upfitting -

R. Wielebinski made a motion, seconded by K. Meeker, to accept the co-star quote from P&D Emergency Services for the upfitting of the 2020 Police vehicle approved in the 2020 budget in the amount of \$ 12,872.95. Under discussion, Commissioner Gnandt asked what it meant by as approved in the 2020 budget. D. Asure explained that the board had discussed the purchase of one police vehicle as part of the capital budget for 2020. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Travel/Training Authorizations - noneREPORT OF THE PRESIDENT:

Richard Wielebinski, President -

R. Wielebinski discussed the LED speed signs that he has been researching for several months. The police department has provided him with about fifteen (15) locations throughout the township where this type of sign might be useful. PennDot requires a permit, good for one year, which requires these signs to be moved every two weeks, and all locations must be listed on the permit by map and address. He reported that in the near future there may be one more company which will be co-stars approved and may provide a great cost savings to the township for this purchase. Commissioner Gnandt asked what the cost would be. Commissioner Wielebinski stated between \$6000 and \$9000 for two but may be less expensive with the new company. He will continue to report to the board.

Commissioner Wielebinski stated that he spoke to the representative from D'Huy concerning the roofs. An infrared analysis was recommended to see in what condition the roofs of this municipal complex are in. R. Wielebinski made a motion, seconded by J. Belvin to hire D'Huy to conduct an infrared analysis of the roofs of the municipal complex in an amount not to exceed \$2500.00. Discussion followed on how this process works with calculating the moisture in the insulation in the roofs. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

COMMISSIONERS COMMENTSJerrod Belvin - Vice President -

Commissioner Belvin reported that he has been able to complete a set of specifications for a possible new phone system at the township. J. Belvin made a motion, seconded by R. Wielebinski, for discussion, to authorize the township manager to go out for proposals to install a new phone system in the township complex utilizing the specifications as presented with a date to have quotes received by as close of business, February 10, 2020. The Board discussed the

different options this phone system would provide the township. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the township engineer, road supervisor and township manager to prepare a budget for the work to be done at Dam #2 at TLC Park and authorize the township engineer to submit for a GP-11 permit. Under discussion Commissioner Belvin discussed Dam #2 at TLC park. He stated that Sanofi has donated a drain box and eight light stanchions to the township that can be used for this project. An LSA grant has been submitted for work at the other dam on site but have not yet heard if we were successful. This work could be done in house and with this donation the township has saved quite a bit of money. Discussion took place as to whether one commissioner can accept a donation on behalf of the township. The solicitor outlined the issue – can a board member act independently or must it be discussed at a public meeting. The guidance of the solicitor was that before a donation is accepted it should be brought to the board for discussion and if there are time constraints associated with the donation than an email should go out with no decisions being made but guidance given to the township manager on how to proceed and the action should be ratified at the next regular meeting of the board.

More discussion was held on the work that could be done at Dam #2, the GP-11 permit required which could take four months to receive and the materials needed to complete this project. Under further discussion, J. Tresslar stated that he can have some ideas and sketches prepared before submission of the permit for the board to review. The permit is to protect the aquatic life during the draw down. The end walls could use rip-rap or even cobble stone. Commissioner Gndt stated the board should be mindful of having to bid or quote this project. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

J. Belvin made a motion, seconded by K. Meeker, to accept the drain box and eight light stanchions from Sanofi. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Ellen Gndt - Commissioner –

Commissioner Gndt stated that she had a list of items to discuss.

- Work Sessions – E. Gndt stated that the board needs work sessions to come up with agendas. This would make the meetings go quicker and it worked well two years ago. She stated that this would make sure all commissioners knew what was going on. R. Wielebinski stated that the board has had work sessions when necessary. The township manager has scheduled as needed. J. Belvin agreed that the work sessions were scheduled by the manager as needed.
- Public Comment – E. Gndt stated that the bylaws were changed to address public comment. The discussion was that the board would mirror what is done at the school board or county meetings so the public can know what they are commenting on. If there is no motion on the agenda, (only lists possible action item) the public does not know what action might be taken and how to comment. She would like public comment as done in the past. Solicitor DeVito stated that the direction to and the policy of the board was that if it is listed as discussion or possible action item it is taken to the floor for public comment. Going forward, if something is listed as discussion item and results in a motion or listed as possible action item and there is an action it will be opened for public comment before a vote is taken.
- Township Manager position – Commissioner Gndt asked how we are going to set the process for interviewing, grading applications, and the selection of a township manager. Applications are being accepted through February 4, 2020. She asked for a work session to discuss the interview process. The Board directed the township manager to send some possible dates to the board for a work session.
- Non-resident earned income tax – E. Gndt explained that she at a previous meeting had spoken of a non-resident earned income tax that may be a revenue source for the township. She had believed that this tax was for any non-resident who worked here and lived outside the township but actually it is for someone who lives outside of Pocono Township, works in Pocono Township and the township or borough in which they live does not impose an EIT tax. D. Asure was asked to contact Berkheimer to see if they are able to provide exactly how this type of tax would work, a list of municipalities who do not have an EIT and whether this would have to be shared with the school district.
- Amusement Tax – E. Gndt questioned why the board has not implemented the Amusement Tax. She stated the township has lost probably over a million. Solicitor DeVito gave an update on a meeting held today (1-21-20) with the new owners of Camelback on this topic. The ski facility exemption was discussed. Camelback is willing to work with Pocono to come up with a PILOT agreement or an agreement that outlines revenues the township can expect. This is unlike the previous owner. Camelback explained that they need to remain competitive and also need to budget to expand their business and infrastructure as well as continuing to be a major employer in the township. Commissioner Gndt disagreed with the process as she stated Camelback is not paying this tax the people visiting are. She believes the township should impose the tax and enter into litigation if not paid. She

does not believe this has anything to do with the operations or future plans for the business.

- Commissioner Gmandt stated she has more things on her list but since it is already 9pm they will wait until the next meeting.

J. Lastowski - Commissioner – absent

Keith Meeker - Commissioner – no report

REPORTS:

Zoning - no report

Emergency Services –

Police – The board received a report in their packet

EMS – Joseph Monaco of St. Luke's gave a report of activity to the board

Fire Company – no report

Public Works

Road Crew Projects - R. Sargent reported they are working through the winter maintenance

Park Operations - R. Sargent reported the ice rink is ready to open tomorrow. It will be posted on the website.

LED Lighting for the township complex - R. Sargent stated he is working on getting a quote for the board to review.

Plaque at TLC Bridge – The Commissioners reviewed the final proof for the plaque at the TLC Pedestrian Bridge. Two changes needed to be made – Lastowski was misspelled and s should come out of the abbreviation for township. Commissioner Gmandt asked the cost of the plaque and was told \$2500.00. R. Wielebinski made a motion, seconded by J. Belvin, to approve the proof for the plaque at the TLC Pedestrian Bridge with the two changes as noted. Roll Call Vote: Jerrod Belvin, yes; Ellen Gmandt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Sargent gave an update on the vehicles ordered in the spring of 2019. He is told that the 1.5 ton Dodge will be here no later than the end of the month but the Peterbilt may not arrive until March. He will contact the vendors to ask them to contact the township manager so that the financing can be arranged. Discussion took place on the purchase of ten-ton dump truck with plow from the 2020 budget. R. Sargent stated that Peterbilt is co-stars and he would like to use them to purchase the truck. Commissioner Gmandt stated that even though it is a co-stars quote he still needs to get other quotes. The discussion that followed clarified that the board can accept one quote if it is a co-stars quote as the state has already done the bidding for us. The only co-stars product that requires a "mini-bid" is aggregate. R. Sargent will provide the quote for the next board meeting for consideration by the board.

Administration - Manager's Report

Regional Comprehensive Plan – D. Asure stated that the first meeting will be held Tuesday, January 28th at 7pm at Stroud Township.

Traffic Task Force - no report

Pocono Business Association – The meeting was held on January 15, 2020 with a very small turnout. They are going to try a breakfast meeting for the next gathering.

Green Light Go 2015 – J. Belvin reported that the project is complete and they are waiting for PennDot to sign off.

Green Light Go 2017 – D. Asure explained she had received an email from PennDot explaining that the extension language would only be if Pocono Township cancelled the project. R. Wielebinski made a motion, seconded by E. Gmandt, to execute the extension document from PennDot for the Green Light Go 2017 project with a deadline of June 30, 2021. There was no public comment. Roll Call Vote: Jerrod Belvin, yes; Ellen Gmandt, yes; Jerry

Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

D. Asure reported that the township had received a letter from Running Lane, LLC granting an extension for approval of the project until June 2020.

Pavilion Waiver requests -

E. Gndt made a motion, seconded by R. Wielebinski to grant the request of the American Legion Post 903 to waive the pavilion rental fee of \$100 for Pavilion #3 for their annual picnic on July 18, 2020. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

E. Gndt made a motion, seconded by J. Belvin, to grant the request of the Pocono Garden Club to waive the pavilion rental fee of \$50 for Pavilion #3 on August 11, 2020. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

D. Asure reported that she received the 2019 Annual report of the Civil Service Commission as required by the First-Class Township Code.

D. Asure reported that the township has received the audit conducted by the Monroe County Controller for District Court 43-3-03 for the period of 1-1-18 though 12-31-18. The reported stated that all was in order.

Electric Usage Agreement -

D. Asure reported that in November she had provided electric bills to a company, Kinect, which is endorsed by PSATS, to provide the township with options for electric savings. The company had just sent their recommendation. They received twelve (12) quotes for Pocono Township electric and are recommending a 24 month contract with Constellation, a very reputable company. Commissioner Belvin ran some numbers using current kilowatt billing from PPL to estimate the savings and believes that over the life of the contract the township could see savings of \$8,000 or more. Commissioner Gndt questioned how the calculations were done. Discussion followed on how this process occurred. J. Belvin made a motion, seconded by K. Meeker, to enter into a 24-month contract with Constellation to provide electric services to the township contingent upon review by the solicitor of the agreement. Jerrod Belvin, yes; Ellen Gndt, no; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

D. Asure reported that the Monroe County Redevelopment Authority would like to have a work session with the Board of Commissioners to discuss programs for Land Banks and blighted properties. D. Asure will circulate some dates that may work for this work session.

D. Asure reported that a letter was received from Paradise Township, addressed to the Homeowners Association of Ski Haven Estates concerning the condition of the bridge at the entrance of the development. There is only one way in and one way out of this development and the bridge is in very poor condition. Many of the emergency services have already refused to cross the bridge and several of the homeowners have contacted the township to see if there is anything that can be done. The entrance is in Paradise but there is a large part of the development that is in Pocono. They have private roads and it is a private bridge. Commissioner Belvin stated that he had contacted PEMA to see if there is anything that can be done, D. Asure had contacted the MCCD to see if they could offer assistance. The HOA had been given a grant application by Senator Scavella but to date they have failed to complete the application. Commissioner Gndt questioned as to why Pocono Township does not consider replacing the bridge for health, safety and welfare reasons. J. Tresslar reported that he had been asked in 2013 by the association to look at the bridge and give a quote and back then it was in very bad condition. When asked what the cost might be to replace, he stated that as a guess, \$750,000.00. Commissioner Gndt asked why something could not be done jointly with Paradise Township. She stated she would reach out to Paradise, since this is a health, safety and welfare issue and emergency vehicles would not be allowed to cross the bridge in case of fire or ambulance needs. Solicitor DeVito stated that this is a private bridge, private community and private roads and unfortunately the township does not have any say over how things are done.

TOWNSHIP ENGINEER REPORT:

White Oak Culvert replacement project – Contracts and bid bond received.

Right Hand Turn Lanes - no report

TLC Bridge- J. Tresslar reported that the punch list will be finished in the spring.

TLC Dam – submitted for LSA grant

Culvert Cleaning Maintenance – J. Tresslar reported the Archer Lane letter will be completed tomorrow.

Master Sidewalk Plan - J. Tresslar reported that he attended a scoping meeting with St. Luke's who would like to put curbing in along the front of their building. They are not agreeable at this time to put in sidewalks but J. Tresslar believes if the project continues in the direction they are currently speaking about the project will fall under our Land Development ordinances. If it does it will have to come before the Planning Commission and at that time they will be required to put in sidewalks.

Learn Road Bridge Inspection - J. Tresslar reported that he believes there is enough data for Learn Road to support posting Learn Road for Local Access Only for truck usage if that is the will of the Board.

Well at Mountain View Park - J. Tresslar reported that he is working with R. Sargent to prepare a materials list so the project is ready to go come spring.

Generator – J. Tresslar reported that he has just spoken to the contractor and they are not responsible for the running of the generator but understand they need to do a test and training of the transfer switch. D.ASURE was asked to schedule this with all parties involved and needed.

Beehler Road Traffic Study – J. Tresslar reported this is completed and waiting for the ordinance.

Back Mountain Road Traffic Study – J. Tresslar reported this is completed and waiting for the ordinance.

Bog Road Traffic Study - J. Tresslar reported this is just about complete, should be set at 25 mph and can have signage restricting truck traffic. R. Wielebinski made a motion, seconded by J. Belvin to have the road supervisor place a 25mph speed limit sign off of Cherry Lane Road onto Bog Road. The Board was thanked by the public for doing this after many years of asking for this to be done. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Sardinha Lot Line Adjustment – J. Belvin made a motion, seconded by K. Meeker, to accept the Sardinha lot line adjustment plan for review contingent upon conditions of Boucher & James letter of 1-17-20 being met. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

TOWNSHIP SOLICITOR REPORT

Exxon Monitoring Wells - no report

White Oak Culvert easements - discussed earlier

Breezewood Drive Easements – Solicitor DeVito has reached out to the solicitor for this property and to date has received no response back.

ZHB Updates -

Solicitor DeVito updated the Board on Zoning Hearing Board appeals.

- Abrams/LTS – signs – Solicitor DeVito reported that most signs have been removed. ZHB may schedule a date to end this appeal since no response has been received from the applicant.
- Feeling Good, LLC – STR – Thursday, December 19th – 5pm – The ZHB denied this appeal and the township has just learned that the property has apparently been sold. Unless the applicant withdraws his appeal, Solicitor Weitzmann will issue an opinion for the record.
- J. W. Penney – gas station use – Tuesday, December 10th – 5pm – The ZHB held a meeting earlier tonight and the applicant was granted his appeal. The opinion will be issued in a few days and the township can then decide if they would like to appeal
- 3262 Birch Hill Drive – Solicitor DeVito reported that one more appeal has been filed just recently. A date

has not yet been scheduled for this hearing but this has to do with a property that was bought to be used partially as a residence and partially as a short-term rental. The owners went through the process under the original STR Ordinance, made thousands of dollars of improvements to the home and received a license which expired October 31, 2019. They are appealing their right to continue as a STR.

Request from Pocono Mountain School District - Solicitor DeVito reported that the township had received a letter from the PMSD requesting a written release from the township to allow D'Huy Engineering who had conducted a review of the former Northampton Community College property for the township, to provide that information to the school district. D. Asure was asked what the amount was that was paid to D'Huy. D. Asure replied that it was approximately \$10,000.00. J. Belvin made a motion, seconded by K. Meeker, to authorize the township manager to respond to this request and grant the request contingent upon receiving 75% reimbursement to Pocono for the cost of the study by D'H'uy. Under discussion the percentage was considered. J. Belvin stated he would make a friendly amendment to increase the request to 100%, K. Meeker agreed to the amendment. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Building Codes Official - Solicitor DeVito reported that he had a conversation with Shawn McGlynn who believes the township needs to appoint one Building Codes Official who will administratively be responsible for all the applications that come in. This person will assign the project a number using Permit Manager and then if residential pass on to BIU for the next steps. D. Asure was asked about the start dates for the contracts and obtained clarification from the board that February 3, 2020 will be fine though the BCO position will take place immediately. E. Gndt made a motion, seconded by J. Belvin, to appoint Shawn McGlynn as the Pocono Township Building Codes Officer. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Commissioner Belvin stated that on May 29, 2019 he sent an email to the board concerning the donation of the drain box and lights. He wanted to make sure that for the record the board was notified of this donation so it was not done unilaterally.

PUBLIC COMMENT:

Chris Ortolan, Township Resident asked if there would be formal minutes of the January 13, 2020 special meeting. He was told they are being worked on. He commented on the Slice of Life appeal and that a husband and wife appear now to be living in the home. He stated that he had looked at the 2020 budget and this is the first time since 2013 that the Capital Reserve Fund will end the year with nothing in it. He wondered if the board knew what the next steps would be entering into 2021. R. Wielebinski stated that this was discussed during the budget and that the board will have to make those decisions as they move through 2020. E. Gndt commented that she is concerned with the capital reserve budget and this is where the Amusement Tax could be used.

M. Velardi, Township resident commented on the upcoming test of the generator and through his work he does this all the time and there are no issues to worry about. He believe that retrofitting the township to LED lights will absolutely save money. He asked for a better explanation of the EIT tax mentioned by Commissioner Gndt. He was concerned that the young people coming from Jackson or Stroudsburg to work at the Crossings would be hurt by this. It was explained that this tax can only be collected if the township where the worker lives does not have an EIT tax already and these two municipalities already do.

ADJOURNMENT:

R. Wielebinski made a motion, seconded by J. Belvin to adjourn the meeting at 10:11pm. Roll Call Vote: Jerrod Belvin, yes; Ellen Gndt, yes; Jerry Lastowski, absent; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

POCONO TOWNSHIP
Monday, February 3, 2020

SUMMARY

Ratify

General Fund	\$	102,356.05
Sewer Operating	\$	501.98
Sewer Construction	\$	-
Capital Reserve	\$	-

Bill List

TOTAL General Fund	\$	42,990.79
TOTAL Sewer <u>OPERATING</u> Fund	\$	8,774.64
TOTAL Sewer <u>CONSTRUCTION</u> Fund	\$	1,071.24
TOTAL Capital Reserve Fund	\$	49,354.71
Liquid Fuels	\$	-

Budget Adjustments

\$ -

Budget Appropriations

\$ -

Interfund Transfer

Notes:

POCONO TOWNSHIP CHECK LISTING

RATIFY

Monday, February 3, 2020

	<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
General Fund					
Payroll	01/31/2020			PAYROLL ENDING 1/26/2020	\$ 100,761.51
General Expenditures				TOTAL PAYROLL	\$100,761.51
	01/17/2020	59333	AFLAC	SUPPLEMENTAL INSURANCE	\$ 488.42
	01/21/2020	59334	VERIZON WIRELESS	TOWNSHIP & POLICE CELL PHONES	\$ 1,106.12
Sewer Operating Fund				TOTAL General Fund Bills	\$ 1,594.54
	01/21/2020	1499	BLUE RIDGE	DSL LINE	\$ 122.14
	01/21/2020	1500	MET ED	ELECTRIC SERVICE PUMP STATION	\$ 259.71
	01/21/2020	1501	VERIZON	MODEM RENTAL PUMP STATIONS	\$ 120.13
Sewer Construction Fund					\$ 501.98
Capital Reserve Fund					\$ -
				TOTAL Capital Reserve Fund	\$ -
TOTAL General Fund					
TOTAL Sewer Operating					
TOTAL Sewer Construction					
Total Capital Reserve					
				102,356.05	
				501.98	
				Authorized by:	
				-	
				-	
				Transferred by:	
				102,858.03	

POCONO TOWNSHIP CHECK LISTING

Monday, February 3, 2020

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
General Fund				
01/30/2020	59335	Nationwide - 457	PAY 2 2020 EE & ER CONTRIBUTION	\$ 3,904.54
01/30/2020	59336	Affordable Auto Parts, Inc.	PW TRUCK PARTS	\$ 357.00
01/30/2020	59337	AG-Industrial	PW EQUIPMENT PRATS	\$ 277.75
01/30/2020	59338	AMERICAN UNITED LIFE INSURANCE CO.	GTL PREMIUM	\$ 2,089.50
01/30/2020	59339	Bartholomew, Mitchell O	Workboot Allowance	\$ 150.00
01/30/2020	59340	Bartonsville Printing	POLICE PRINTING	\$ 100.00
01/30/2020	59341	Beyer-Barber Company	POLICE PROFESSIONAL SERVICES	\$ 915.00
01/30/2020	59342	Boucher & James, Inc.	ENGINEERING SERVICES	\$ 3,642.55
01/30/2020	59343	Brodhead Creek Regional Authority	WATER SERVICE	\$ 223.64
01/30/2020	59344	Cooper Electric	PW OPERATION SUPPLIES	\$ 151.59
01/30/2020	59345	Cyphers Truck Parts	PW TRUCK PARTS	\$ 101.42
01/30/2020	59346	D.G. Nicholas Co.	PW OPERATION SUPPLIES	\$ 3.86
01/30/2020	59347	D.G. Nicholas Co.	PW OPERATION SUPPLIES	\$ 21.79
01/30/2020	59348	Davidheiser's Inc.	POLICE OP SUPPLIES	\$ 59.01
01/30/2020	59349	Deer Country Farm & Lawn, Inc.	PW EQUIPMENT PARTS	\$ 242.26
01/30/2020	59350	DES	Dec 2019 Recycling	\$ 30.00
01/30/2020	59351	E.M.Kutz, Inc.	PW HEAVY EQUIPMENT PARTS	\$ 117.60
01/30/2020	59352	Eric A. Moses Co.	PW OPERATION SUPPLIES	\$ 142.81
01/30/2020	59353	Francis Smith & Sons Inc	POCT1	\$ 594.50
01/30/2020	59354	Furino Mech Contracting & Furino Fuels	POLICE BUILDING REPARIS	\$ 594.55
01/30/2020	59355	Highmark Inc.	HRA FEES	\$ 1,065.21
01/30/2020	59356	HUNTER KEYSTONE PETERBILT	PW TRUCK PARTS	\$ 284.83
01/30/2020	59357	J & Z Professional Services LLC	TWP Cleaning 1/16/20	\$ 250.00
01/30/2020	59358	J. P. Mascaro & Sons	TWP & PARK Waste Removal Jan 2020	\$ 482.61
01/30/2020	59359	Lauter, Kevin	Workboot Allowance	\$ 150.00
01/30/2020	59360	PAPCO, Inc.	TWP FUEL	\$ 6,330.11

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
01/30/2020	59361	Patriot Workwear	POLICE MINOR EQP	\$ 181.00
01/30/2020	59362	Reliable Sign and Striping	SIGNS & SOLAR LIGHTS	\$ 1,335.50
01/30/2020	59363	Staples Credit Plan	Police Supplies	\$ 73.23
01/30/2020	59364	Steele's Hardware	PW OPERATION SUPPLIES	\$ 307.75
01/30/2020	59365	Stroudsburg Electric Motor Service	PW OPERATION SUPPLIES	\$ 206.97
01/30/2020	59366	Suburban Testing Labs	SDWA Monthly	\$ 100.00
01/30/2020	59367	Tulpehocken Mountain Spring Water Inc	WATER	\$ 83.89
01/30/2020	59368	UNIFIRST Corporation	PW UNIFORMS & MATS	\$ 169.52
01/30/2020	59369	MetLife - Non Uni. Pen. Plan	NON POLICE JAN 2020 ER CONTRIBUTION	\$ 8,739.91
01/30/2020	59370	Monroe County General Fund	MC SHARE INTEREST RE TAX ACCOUNT	\$ 40.10
01/30/2020	59371	US BANK - Lockbox CM9722	JAN 2020 EE CONTRIBUTION	\$ 9,470.79
				<u>\$ 42,990.79</u>

Sewer Operating Fund

01/30/2020	1502	Boucher & James, Inc.	SEWER ENGINEERING SERVICES	\$ 2,356.60
01/30/2020	1503	BRODHEAD CREEK REGIONAL AUTHORITY	Pump Station #3 & 5 Q4 2019 Water Usage	\$ 176.54
01/30/2020	1504	Cramer, Swetz, McManus & Jordan	SEWER LEGAL SERVICES	\$ 63.00
01/30/2020	1505	J P Mascaro & Sons	Pump Station #5 Waste Removal	\$ 104.21
01/30/2020	1506	Pocono Management Associates LLC	CONTRACTED SERVICES 1/3 -1/19/2020	\$ 4,130.69
01/30/2020	1507	Pocono Township	SEWER ADMIN SERVICES	\$ 1,274.66
01/30/2020	1508	Steele's Hardware	OPERATION SUPPLIES	\$ 188.94
01/30/2020	1509	SUBURBAN TESTING LABS	MONTHLY NPDES	\$ 480.00
				<u>TOTAL Sewer Operating \$ 8,774.64</u>

Sewer Construction Fund

01/30/2020	656	BOUCHER & JAMES	PS 5 PART II PERMITTING PREP	\$ 1,071.24
				<u>TOTAL Sewer Construction Fund \$ 1,071.24</u>

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
Capital Reserve Fund				
01/30/2020	1104	BOUCHER & JAMES	CAP PROJECTS ENGINEERING	\$ 2,738.41
01/30/2020	1105	CROWDER JR	GENERATOR HOOKUP	\$ 13,468.00
01/30/2020	1106	RAY PRICE	2020 POLICE INTERCEPTOR	\$ 33,148.30
			TOTAL Capital Reserve Fund	\$ 49,354.71

LIQUID FUELS**ESSA**

TOTAL General Fund	\$	42,990.79
TOTAL Sewer Construction Fund	\$	1,071.24
Sewer Operating	\$	8,774.64
Capital Reserve	\$	49,354.71
Liquid Fuels	\$	-
TOTAL ESSA TRANSFER	\$	102,191.38

Authorized by: _____

Transferred by: _____