

POCONO TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING

OCTOBER 6<sup>th</sup>, 2014 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 10/06/2014, at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Richard Wielebinski at 7:00 p.m. followed by the Pledge of Allegiance.

**ROLL CALL:** Rich Wielebinski, present; Jerry Lastowski, present; Tom Felver, present; Greg Hill, present; and Brad Wise, present. Leo V. DeVito, Broughal & DeVito LLP, Twp. Solicitor; Tim Edinger, T&M Associates, Twp. Engineer; and Pamela Finkbeiner, Secretary; were present.

**ANNOUNCEMENTS:**

Commissioner Greg Hill has submitted his resignation effective 10/31/14. All residents interested in applying for the position should submit their resume to Township Manager Gregg Schuster by 10/24/14.

**MINUTES:**

J. Lastowski made a motion, seconded by B. Wise, to approve the minutes of the Commissioners regular meeting of 09/15/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, abstained; G. Hill, yes; and B. Wise, yes. Motion carried.

G. Hill made a motion, seconded by J. Lastowski, to approve the minutes of the Commissioners special meeting of 09/30/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**BILLS AND TRANSFERS:**

J. Lastowski made a motion, seconded by T. Felver, to approve the check listing, dated 10/06/2014 (excepting all tele-communication bills). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

J. Lastowski requested the amount of insurance coverage for the damaged police vehicle. G. Schuster, Twp. Manager noted it is estimated at \$24,000.

B. Wise made a motion, seconded by G. Hill, to approve the check listing, dated 10/06/2014 (tele-communication bills). Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**PUBLIC COMMENT**

Richard Almquist, The Wolfington Companies, presented Northridge Development Escrow Reduction #8 request to the Township engineer and Secretary. He requested a meeting with the Twp. Manager to review the progress of the project.

Marie Guidry, Township Resident, requested the Fall and Spring Cleanups be advertised in the Pocono Record.

**REPORT OF THE PRESIDENT** - Richard Wielebinski, President, reported a special meeting will be held on 10/16/2014 at 4:30 p.m., for discussion of the 2015 budget.

#### COMMISSIONERS REPORT

Gerald Lastowski, Vice President - Stadden Road Bridge Replacement - J. Lastowski requested a meeting with Jackson Twp. concerning Stadden Road Bridge but they declined since they have a long range plan for bridge repairs in their Township. He spoke to State Representative Mario Scavello and Monroe County for Act 19 assistance concerning funding for the bridge. The School has changed their routes and only empty buses will use Stadden Road Bridge.

T. Edinger, Twp. Engineer, explained a temporary bridge would cost approximately \$70,000.00 per year. He noted T&M is looking into (LSA) gaming grant or through the Metropolitan area list to assist with the replacement. J. Lastowski asked if the Bridge is safe for vehicular traffic.

Thomas Felver, Commissioner, no report.

Gregory Hill, Commissioner, no report.

Bradley Wise, Commissioner, reported the Sewer Committee is working to finish the sewer construction, close out the existing contracts, and get property owners to hookup.

- a) Contract No. 4 - Pioneer Construction and DEP have reached a settlement concerning the fish kill in Swiftwater Creek.
- b) Contract No. 8 - Pioneer Construction is waiting for a permit to complete the stream undercut at the Swiftwater Bridge.
- c) Contract No. 3 - Leeward Construction will meet with RKR Hess Associates to close out the contract.
- d) Doli Construction - the Twp. is in the process to extend the maintenance bond until the end of the year to resolve the possible sinkhole issue at the Rt. 611 bridge in Bartonsville.
- e) Rt. 611 Safety Project- PennDOT has concurred to have RKR Hess Associates as the consultant designer and they have agreed to meet the 'milestone' dates for the 75% cost sharing pilot program.
- f) Directional Drilling for 'hump repair' - T. Edinger, Twp. Engineer noted it will go out to bid on 10/13/2014, pre-bid meeting 10/29/2014, and Bid award 11/12/2014. A time line of 150 days after the Notice to Proceed has been issued.
- g) Two issues - Pocono Farm Stand request for reimbursement and Ray Price Just Compensation to be discussed.
- h) BCRA is issuing the sewer bills now.
- i) The proposed 2015 budget for Pocono Township share of the WWTP (Waste Water Treatment Plant) is 20% at a monthly cost of \$69,157.00.
- j) Connection letters for properties south of the 'hump' will be sent next week.

T. Felver questioned the cost estimate for Pioneer Construction. B. Wise noted that Pioneer may not be interested in the repair of the stream crossing.

**REPORTS:****ADMINISTRATION**

Township Manager Gregg Schuster, presented his report.

- G. Schuster commended the Pocono Township Police for the work associated with the search for Eric Frein.
- The Township is still accepting applications for the Police Officer positions. To date, 12 applications have been received.
- The Police Officer whom was injured in the vehicle accident has not returned to work.
- Pocono Farm Stand reimbursement request for cost incurred with the former Board's proposed pump station placement on the property. L. DeVito, Twp. Solicitor, noted the previous board had not taken action on reimbursement of costs with the owner, only a verbal agreement had been made. G. Hill stated without a formal agreement the Township should not be responsible to reimburse the cost. L. DeVito noted the prior Board of Supervisors was to build a pump station on the Lovito property as a solution to the repair in the line. At the time, the Township was pursuing condemnation of the property. Since the new Board of Commissioners has chosen another option for the repair, the condemnation was unnecessary and not needed. Mr. Lovito is requesting compensation for his costs incurred for his legal and appraisal fees. B. Wise noted the Sewer Committee felt the request was reasonable. More information was requested by the board. T. Felver made a motion, seconded by R. Wielebinski, to table the reimbursement request for Pocono Farm Stand until more information can be received. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.
- Ray Price, III, easement just compensation payment - G. Schuster explained the offer. R. Wielebinski made a motion, seconded by B. Wise, to approve the just compensation offer of \$25,000.00 to Ray Price III for an easement for sewer construction. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, no; and B. Wise, yes. Motion carried.
- Ambulance Agreement Outline - G. Schuster, Twp. Manager, reviewed the proposed agreement with Central Pocono Ambulance. Linda Smith, Central Pocono Ambulance, noted the ambulance has a station located in Hamilton Twp. as part of their services and was concerned the wordage reflected only fuel usage in Pocono Township. Discussion followed. G. Schuster will clarify the agreement. J. Lastowski stated his concern that House Bill 76 has not been passed allowing insurance companies to directly reimburse ambulance companies for calls.

- FY 2015 Proposed Budget - G. Schuster thanked the staff for their assistance and commended Gina Zuvich, Twp. Treasurer, for her work in preparing the draft budget. Key points were health insurance cost estimated to rise 20% and proposed public works director. Discussion followed on the changes to the Healthcare Act and its effect on future costs. The proposed budget does include a small tax increase which can be eliminated if the Board requests. T. Felver requested the budget not be public until the Board has time to review the draft. He requested the Commissioners submit any questions before the workshop scheduled for 10/16/2014 at 4:30 p.m. G. Hill thanked G. Schuster for his work.

Township Engineer, Tim Edinger, T&M Associates submitted his report and reviewed the Learn Road project status. The inlet boxes will be ordered and estimated the work to start within three weeks.

G. Hill left the meeting.

Township Solicitor, Leo DeVito, explained PennDOT noticed that it had not received the right-of-way releases for Northampton Community College. A motion is needed to authorize the President to sign.

T. Felver made a motion, seconded by R. Wielebinski, to authorize the President to sign and execute the release of any and all right, title and interest in and to real estate abutting State Route 715 and situated within the Township as set forth in Release No. 1, Release No. 2, and Release No. 3. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, absent; and B. Wise, yes. Motion carried.

G. Hill returned to the meeting.

PFM - RFP for Refinancing Results (Sale #2) - Zach Williard, Public Financial Management, Inc. explained the aspects of the Series B of 2014, bond with Wayne Bank. Discussion of rates followed. Z. Williard recommended the Wayne Bank 7 year fixed, variable thereafter, Series B of 2014.

R. Wielebinski made a motion, seconded by T. Felver, to authorize the Township Solicitor to advertise the Ordinance for (Sale #2) Series B of 2014, Wayne Bank at 1.85%, 7 year, Option Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Conditional Use Hearing for John Cichon - Sign Plaza- Continuation of Hearing - R. Wielebinski reopened the hearing. Donna Kenderline, Court Reporter, present. L. DeVito, Twp. Solicitor, noted the hearing is continued from 09/15/2014. The hearing was continued to allow Twp. Zoning Officer, Michael Tripus, to determine sign plaza was to be measured from the proposed or existing right-of-way.

Michael Tripus, Zoning Officer, reviewed the sign plaza application and determined the existing 33' right-of-way of record is right-of-way he will enforce and will note on the permit "should the Township adopt or enact the proposed right-of-way the sign plaza will be moved at the owner's expense to the new right-of-way". J. Lastowski asked if the wall signage would be removed. M. Tripus noted wall signs are permitted with sign plazas. Dr. Cichon described the sign plaza as a solar lighted panel sign plaza and he agreed to move the plaza should Learn Road ever be widened.

R. Wielebinski made a motion, seconded T. Felver, to approve the Conditional Use of John Cichon's Sign Plaza with the condition if Learn Road is ever widened the sign plaza will be moved at the owner's expense to conform with the new right-of-way and comply with all other Township ordinances. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Request for Modification - Lori and John Grossi

Joseph McDonald, Jr., Esq. represented Lori Grossi, owner of 29 Cameback Road, for Request of Modification from Ord. 138, Sec. 303-I-8 - J. McDonald's letter dated 08/08/2014. The property consisted of two non-conforming lots of record which were combined on 04/21/2014 to create a non-conforming lot of .714 net acres. John Grossi applied for a building permit for a 7,996 sq. ft. single family home and was denied by the Twp. Zoning Officer, Michael Tripus, due to the encroachment into the 75' stream buffer - Ordinance 138, Sec. 303-I-8 - M. Tripus's letter dated 07/11/2014. The property owner is requesting a RFM to reduce the stream buffer from 75' to 35'. J. Grossi noted the home would be a single family home for use by his family but may be a possible rental home. T. Edinger, Twp. Engineer, noted the size of the home and driveway may exceed the 5000 sq. ft. of earth disturbance and may require a stormwater management plan. T. Edinger read Ord. 138, Sec. 303-3, Pre-existing lots - which allows the Board to permit a Modification of the setback. J. Grossi noted the home's footprint would be out of the 35' buffet but some areas of the deck would cantilever over the buffer zone by a few feet.

L. DeVito, Twp. Solicitor, noted he met with T. Edinger, Twp. Engineer, and G. Schuster, Twp. manager, and they concurred a 35' buffer would be acceptable for the property. The 75' buffer would limit the development of the lot. L. DeVito noted the buffer is to protect the stream from runoff water from the driveway and structure. J. McDonald stated he did not feel the a single family dwelling fell under the ordinance but did agreed if there is over 5,000' of earth disturbance a stormwater management plan will be submitted. J. Grossi offered to comply with any stormwater requirements. L. DeVito recommended the RFM be granted with the condition of a hold harmless agreement indemnification agreement. J. Lastowski requested to walk the property and additional time to review all the information. G. Hill requested a written recommendation from Engineer and Solicitor before making a decision. R. Wielebinski made a motion, seconded by J. Lastowski, to table the RFMs for John and Lori Grossi lot. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

R. Wielebinski recognized the Boy Scouts from Troop 85 for attending the meeting.

Recreation Committee Recommendation - Denise Herbert, Pocono Township Recreation Committee, read a statement requesting Pocono Township withdraw from the HJP regional agreement. The Recreation Committee recommended the Township submit a notice to HJP to end participation as of 12/31/2015. G. Hill and T. Felver agreed the Township should pull out of the HJP agreement. B. Wise noted the money is not earmarked solely for the HJP Regional Park but more for management which Pocono Township has not used. J. Lastowski spoke concerning the possible use of HJP Park director to oversee Mt. View Park. R. Wielebinski requested a meeting with the other Townships and HJP Park board to discuss options. Samantha Holbrook, Park & Recreational Professional, spoke on the history of the HJP program. She noted if the Township withdrew from HJP, it will hurt grant possibilities in the future as the state looks favorably at Townships that work together. She noted Monroe County no longer has a recreation department. Charlie Trapasso and Bobbie Felins, Recreation Committee, noted the funds are not available to develop the HJP Regional Park and felt the regional park was not an option for the Township to pursue.

J. Lastowski stated the Township's contribution is for the salaries for the HJP director and for programs within all Townships.

Harold Ernsberger, HJP Director, spoke on the programs and services which can be used by the Township. He is qualified to do safety inspections for the Mt. View Park but needs authorization to do so. Kim Ernsberger, HJP Director, noted they can provide professional management through the HJP Intergovernmental Agreement. Charlie Trapasso disagreed and requested Pocono Township hire a Township Park director.

Jane Cilurso, Twp. resident, noted in the past the insurance company provided a safety inspection for park properties. J. Lastowski requested:

- 1) L. DeVito, Twp. Solicitor to exam the withdrawal process.
- 2) Set up a meeting with the other Townships to discuss options.
- 3) The Board postpones any decision until more information is obtained.

R. Wielebinski made a motion, seconded by J. Lastowski, to table the decision on the HJP agreement. Roll call vote: J. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; G. Hill, no; and B. Wise, yes. Motion carried.

#### **ORDINANCES**

Public hearing for ordinance 2014-13 authorizing sewer debt refinancing  
Consideration of ordinance authorizing sewer debt refinancing. L. DeVito, Twp. Solicitor, noted the Ordinance has been posted and advertised. R. Wielebinski opened the hearing to comment. Hearing none the hearing was closed. R. Wielebinski, made a motion, seconded by J. Lastowski, to adopt Ordinance 2014-13 authorizing and securing a Guaranteed Sewer Revenue Note, Series A of 2014 in the principal amount of \$7,674,000.00. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**RESOLUTIONS:**

Resolution No. 2014-56 approving the Public Works Director job description - Discussion followed. G. Hill made a motion, seconded by R. Wielebinski, to approve Resolution 2014-56 approving the Public Works Director Job Description. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; G. Hill, yes; and B. Wise, yes. Motion carried.

Resolution No. 2014-57 - affirming the membership of the Recreation Committee. R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution No. 2014-57 affirming the membership of the Recreation Committee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**PUBLIC COMMENT**

ADJOURNMENT: R. Wielebinski made a motion, seconded by G. Hill, to adjourn the meeting at 10:45 p.m., until 10/20/2014, 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Respectfully submitted  
Pamela Finkbeiner  
Secretary