

**POCONO TOWNSHIP COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 3rd, 2014 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on March 3rd, 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: Richard Wielebinski, present; Jerry Lastowski, present; Tom Felver, present; Greg Hill, present; and Brad Wise, present. Township Solicitor Leo V. DeVito, Broughal & DeVito LLP, and Pamela Finkbeiner, Secretary; were present.

ANNOUNCEMENTS: R. Wielebinski announced:

- 1) The Board of Commissioners met in Executive Session on March 3rd, 2014, at 6:00 p.m., to discuss employment matters.
- 2) HJP Park and Recreation will meet on March 6th, 2014.
- 3) Pocono Township Planning Commission will meet on March 10th, 2014 at 7:00 p.m.

MINUTES:

B. Wise made a motion, seconded by J. Lastowski, to approve the 02/18/2014 Regular Commissioners meeting minutes. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

BILLS:

T. Felver made a motion, seconded by G. Hill to approve the 03/03/2014 semi-monthly bills list, excepting all Tele-communication bills and check number 57175 - Metlife. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by T. Felver, to approve the 03/03/14 Tele-communication bills. Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Teresa Purcell questioned the individual bill not approved. T. Felver noted the invoice needed to be reviewed for accuracy.

ACKNOWLEDGEMENT OF COMMENTS: President R. Wielebinski noted each visitor has the right to comment at this time or before any action is taken on a matter.

He recognized State Representative Mario Scavello. State Representative Scavello gave a brief summary of road improvements scheduled for Pocono Township, including Rt. 611 bridge work, realignment of 715 signal lights, and improvements of Rt. 611 north of Scotrun. Mark Vultaggio, Jane Cilurso, Jerry Lastowski, and Jack Swersie commented on the traffic projects.

REPORT OF THE PRESIDENT:

Rich Wielebinski, President noted Sanofi Pasteur has completed the hookup to the Pocono's Central Sewer System and in the next few weeks, sewer hookup notices will be sent out.

COMMISSIONERS COMMENTS:

Jerry Lastowski, Vice-President, stated 57 applications for Township Manager had been received. A meeting with David Wolgom, Lafayette College; Brad Wise, Jerry Lastowski, and Greg Hill schedules for 03/03/2014 was rescheduled until 03/04/2014 to review the applications. Questions concerning the Official Zoning Map were raised. Twp. Administrator Frank Froio was requested to review the current Zoning Map for accuracy.

Brad Wise attended a meeting with Tim Edinger, Twp. Engineer, and the various engineering firms reviewing plans before the board. The Civil Service Commission met and will create a Civil Service Ordinance.

No report from Greg Hill and Tom Felver.

APPOINTMENTS AND RESIGNATIONS - BOARD, COMMISSIONERS, AND COMMITTEES:

- A) Mt. View Park Board - Consideration of Board Appointments. J. Lastowski noted several additional applications have been received. There is a need to fill several additional Committees: HJP Park and Recreation, three (3) alternates to the Civil Service Commission, Pocono/Jackson Joint Water Authority, Alternate for the Zoning Hearing Board, and COG (Council of Governments). The Board requested F. Froio to change the website and Billboard advertisement to reflect the additional appointments. The Board concurred to postpone the Mt. View Park Board appointments until the additional applications have been received and interviews can occur. No action taken.
- B) T. Felver made a motion, to appoint Lynn Lansdowne to the Pocono Township Vacancy Board. Failed for lack of second. R. Wielebinski noted the Board did not have the opportunity to interview L. Lansdowne, he asked F. Froio to set up an interview time. No action taken.
- C) PennVEST Representative appointments - Leo DeVito, Twp. Solicitor briefed the Board on the appointments. The appointments are necessary for the signing of documentation for the PennVEST Grant and Loan. G. Hill made a motion, seconded by R. Wielebinski, to appoint Brad Wise and Regina Zuvich, Treasurer, as the PennVEST Representatives. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

ORDINANCES:

- A) Ordinance NO. 01-4, Pocono Township Manager - Leo DeVito, Twp. Solicitor, noted the Ordinance had been advertised, posted on the website and made available to the public at the Township office. He opened the meeting to public comment. No comments were heard. R. Wielebinski made a motion, seconded by G. Hill, to adopt Ordinance No. 01-04, Pocono Township Manager. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.
- B) Establishment of Board of Commissioners Compensation - Leo DeVito, Twp. Solicitor, noted that each Commissioner may receive compensation at a set amount of \$3,250.00 per year. The amount is based on the Township's population of approximately 11,000 residents. He presented the Board a draft ordinance for their review. J. Lastowski made a motion, seconded by G. Hill, to authorize the Twp. Solicitor to advertise the Commissioners Compensation Ordinance. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.
Leo DeVito will supply a copy of the draft to the Township for public review and advertising on the website.

RESOLUTIONS

- A) Real Estate Tax Rate Resolution No. 2014-03 - G. Hill made a motion, seconded by J. Lastowski, to approve - Real Estate Tax Rate Resolution No. 2014-03. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.
- B) Township Treasurer Resolution Draft - T. Felver requested an executive session to discuss salary. No action taken.
- C) Township Depository Resolution Draft - sets Banks utilized by the Township and authorized signatures for checks. Discussion followed. T. Felver questioned to whom the Treasurer would report. Leo DeVito noted the Treasurer reports to the Board. No action taken.

PLANNING AND ZONING

- A) Zoning Hearing - None
- B) Revision of Zoning Ordinance and Subdivision and Land Development Ordinance (SALDO) - Leo DeVito, Twp. Solicitor, addressed the Board. The Planning Commission requested the Commissioners to authorize the P.C. to start the review process and for F. Froio to supply copies of the draft ordinances to the Planning Commission. R. Wielebinski made a motion, seconded by T. Felver, to authorize the Pocono Township Planning Commission to start the review process for Zoning Ordinance, and Subdivision and Land Development Ordinance (SALDO). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

DEVELOPMENT:

- A) The Spirit of Swiftwater, Inc. - Residential and Hotel - Time Extension letter until March 18th, 2014, was received.
- B) Lori A. Grossi- Professional Services Agreement (Escrow Agreement for Lot Consolidation Plan review) R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Lori A. Grossi Professional Services Agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

ADMINISTRATION

- A) Litigation - H. Jane Cilurso - Leo DeVito, Twp. Solicitor, noted a settlement has been reached in the form of a repayment of \$12,000.00 to the Township by former Supervisor H. Jane Cilurso, with a limited release of the audit matter. G. Hill made a motion, seconded by J. Lastowski, to authorize a settlement of this matter in the form of a repayment to the Township by former Supervisor H. Jane Cilurso in the amount of \$12,00.00, conditioned upon a formal Settlement Agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.
- B) Commissioner's Technology - Frank Froio, Twp. Administrator, addressed the Board suggesting the Board consider individual Tablets for Township use. Leo DeVito noted should litigation occur a personal computer may be subpoenaed for court. F. Froio will obtain quotes for several options.

SEWER

- A) Chelsea Pocono Finance, LLC - Professional Services agreement (Escrow Agreement for sewer connection engineer review) J. Lastowski made a motion, seconded by B. Wise, to accept the Chelsea Pocono Finance, LLC - Professional Services Agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.
- B) Executive Session to interview prospective financial Advisors concerning sewer refinancing on 03/06/2014 at 6:00 p.m., and 03/10/2014 at 7:00 p.m.
- C) Enforcement Conference with DEP on March 12th, 2014 - Leo DeVito explained a violation of the Clean Stream Act occurred in 2010. The Contractor Pioneer Construction was cited and the incident was not resolved.
- D) Sewer Contract No. 3 - Amendment to Change Order No. 7 - RKR Hess in their letter dated 02/28/2014 recommended an amendment to Change Order No. 7 - Leeward Construction, for an increase of \$552.27 due to an additional backfilling and re-excavating. B. Wise made a motion, seconded by G. Hill to approve the amendment to Sewer Contract No. 3,

CONTRACT NO.3 CONT:

Change Order No. 7, Leeward Construction Inc. in the amount of \$68,058.35 (\$552.27 above previously approved). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

- E) Sewer Contract No. 3 - Change Order No. 7 - Leeward Construction, related to Boring No. 16 and payment authorization. R. Wielebinski made a motion, seconded by G. Hill, to authorize payment of Change Order related to Boring No. 16, Sewer Contract No. 3 - Leeward Construction - in the amount of \$67,391.69 contingent upon the receipt of Certified Payroll Records for the period. Discussion followed. Concern was raised that since Certified Payroll Records have not been received, the approval should wait until then. R. Wielebinski withdrew his motion until the Certified Payroll Records are received.

PUBLIC WORKS

- A) Non-Uniform Township Employees Contract effective January 1st, 2014 to December 17th, 2017. Leo DeVito noted the contract was completed by the former Board of Supervisors. After review of the Contract, the Long Term Disability benefit was removed. J. Lastowski made a motion, seconded by T. Felver, to approve the Non-Uniform Township Employees Contract effective January 1st, 2014 to December 17th, 2017. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

PERSONNEL

- A) Personnel Grievance Agreement - Leo DeVito, Twp. Solicitor, briefed the Board on the Personnel Grievance Agreement with Pocono Township Police Officer, Christopher Gupko. Officer Gupko was suspended without pay for 13 days. The Agreement reduces the unpaid suspension days from 13 to 8 days. R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Personnel Grievance Resolution Agreement for Pocono Township Police Officer, Christopher Gupko. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

PUBLIC COMMENT:

Paul Frantz, Scotrun, requested guidance from the Board concerning water meters for sewer EDU rates on his property.

Jim Becker, Chairman of the Safe 80 Committee introduced himself to the Board.

STAFF AND DEPARTMENT REPORTS:

F. Froio, Twp. Administrator, correction to the date of Spring Cleanup from the first Saturday to the second Saturday in May.

EXECUTIVE SESSION: NONE

A) **ADJOURNMENT:** R. Wielebinski made a motion, seconded by T. Felver, to adjourn the meeting at 8:05 p.m., until 03/17/2014 at 7:00 p.m. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.