

**POCONO TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
03/17/2014 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on March 17<sup>th</sup>, 2014, at the Pocono Township Municipal Building, Tannersville, PA, and was opened by Vice-President Jerry Lastowski at 7:00 p.m. followed by the Pledge of Allegiance.

**ROLL CALL:** Jerry Lastowski, present; Tom Felver, present; Greg Hill, not present; and Brad Wise, present. Richard Wielebinski, absent. Township Solicitor Leo V. DeVito, Broughal & DeVito LLP; Mark Ambrose, P.E., T&M Associates; and Pamela Finkbeiner, Secretary; were present.

**ANNOUNCEMENTS:** Jerry Lastowski announced:

- 1) The Board of Commissioners met in Executive Session on March 6<sup>th</sup> & 10<sup>th</sup>, 2014, to interview prospective financial planners regarding sewer financing.
- 2) The Board of Commissioners met in Executive Session on 03/12/2014 (6:00 p.m.) regarding ongoing sewer litigation.
- 3) The Board of Commissioners met in Executive Session on 03/17/14 (6:00 p.m.).
- 4) The Planning Commission Meeting will be held on 03/24/2014 at (7:00 p.m.)
- 5) HJP Park Meeting will be held on 4/03/2014 at 11:00 a.m.

Greg Hill joined the meeting.

**MINUTES:**

B. Wise made a motion, seconded by T. Felver, to approve the minutes of the 03/03/2014 Regular Commissioner's meeting. All in favor. Motion carried.

**BILLS:**

B. Wise made a motion, seconded by T. Felver, to approve the bills list of 03/17/2014. All in favor. Motion carried.

**Commissioners Comments:**

Jerry Lastowski noted the Commissioners have conducted interviews Professional Financial Planners (Sewer financing), and potential Township Managers. Christine Dettore, Monroe County Planning Commission Director, requested a meeting with the Board to discuss the Long Range Plan for Monroe County. Frank Froio, Twp. Manager, will contact her to be placed on the next regularly scheduled Commissioner's meeting agenda.

Brad Wise is working with BCRA concerning water meters for non-water customers hooking up to the sewer service. He is also working with the engineers to setup billing & collection, and O&M cost procedures. A meeting was held with the Monroe County Conservation District concerning NPDES permits for Trap Enterprises and Spirit of Swiftwater projects.

**APPOINTMENTS AND RESIGNATIONS - BOARD, COMMISSIONERS AND COMMITTEES:**

J. Lastowski requested F. Froio, Twp. Administrator, to set up interview times for all applicants. No action taken on appointments to Mt. View Park, HJP Park & Recreation, Vacancy Board, Zoning Hearing Board Alternate, or Pocono/Jackson Water Authority.

**ORDINANCES:**

- A.** Pocono Township Commissioners Compensation Ordinance No. 2014-02 Leo DeVito, Twp. Solicitor, informed the Board the Ordinance was not advertised in time for the approval at tonight's meeting. It will be placed on the Commissioner's next meeting's agenda.
- B.** Creation of the Office of Tax Collector Ordinance - J. Lastowski made a motion, seconded by B. Wise, to authorize the Twp. Solicitor to advertise the proposed Office of Tax Collector Ordinance. All in favor. Motion carried.
- C.** PJJJWA - discussion concerning the Groundwater Ordinance 2013-03. The Pocono Jackson Joint Water Authority questioned the validity of Ordinance 2013-03, which superseded Ordinance 54. Ron Swink noted Pocono Logistics on Railroad Avenue is located within the Butz Landfill area but is not connected to the water system. B. Wise made a motion, seconded by G. Hill, to rescind the current Ordinance 2013-03 and revert to the original Ordinance 54 - which is consistent with Pocono Jackson Joint Water Authority, conditioned upon a favorable review by the Twp. Solicitor. All in favor. Motion carried.

**RESOLUTIONS:**

- A.** Township Treasurer's Resolution - Leo DeVito noted more information on the Bonding and Salary requirement are required before the Resolution is ready for Board's consideration. J. Lastowski made a motion, seconded by T. Felver, to table the Township Treasurer's Resolution. All in favor. Motion carried.
- B.** Township Depository Resolution No. 2014-06 - designating the Depositories for Funds of Pocono Township, authorizing the investments of Township Funds, and establishing authorized signatures for Township deposit accounts. T. Felver questioned the procedure for transfer of funds. L. DeVito noted that all transfers require two signatures or acknowledgement of second party for transfers. G. Hill made a motion, seconded by B. Wise, to adopt Resolution No. 2014-06. All in favor. Motion carried.
- C.** Resolution No. 2014-04 - establishing written procedures in how Professional Services are chosen for the Township's Pension plans. T. Felver made a motion, seconded by G. Hill, to adopt Resolution No. 2014-04. All in favor. Motion carried.
- D.** Resolution No. 2014-05 - Township Pension Plans. B. Wise made a motion, seconded T. Felver, to adopt Resolution No. 2014-05 appointing Board of Commissioner's President as Chief Administrative Officer for the Township's Pension Plans. All in favor. Motion carried.

- A. Northampton County Community College (Sign Variance Request)
- B. Zoning Hearing Board meets, 04/24/2014 - Furino Deliberation
- C. Revision of Zoning Ordinances and SALDO Workshops - Authorization for Twp. Engineer and Solicitor to attend one meeting per month. G. Hill made a motion, seconded by B. Wise, to authorize the Twp. Engineer and Twp. Solicitor to attend the monthly P.C. Workshops and authorize the advertising of the meeting schedule for the third Thursday of each month at 7:00 p.m.. All in favor. Motion carried.

Jennifer Wise-Werkheiser requested the Planning Commission consider revising the Comprehensive Plan. L. DeVito, Twp. Solicitor, noted they are reviewing all Ordinances for the Township.

J. Wise-Werkheiser questioned the limit of Public Comment to agenda items only. L. DeVito, Twp. Solicitor, noted the format of the agenda allowed Public comment at the end of the meeting after agenda items were addressed.

Judy Coover questioned the process of reviewing the Ordinances.

- D. Zoning Hearing Board schedule. Discussion concerning use of Meeting room for Zoning Hearing Board hearings and other meetings. The Board requested F. Froio to draft a letter to the Zoning Hearing Board requesting a regularly scheduled monthly date and time for ZHB Hearings. This would limit conflicts with the use of the meeting room at nights.

#### DEVELOPMENT

- A. The Spirit of Swiftwater, Inc. Traffic signal maintenance agreement, Resolution. J. Lastowski noted he was unaware of a Traffic Signal for the project. L. DeVito, Twp. Solicitor, will review the agreement along with the Twp. Engineer. G. Hill made a motion, seconded by T. Felver, to table The Spirit of Swiftwater, Inc. Traffic signal maintenance agreement to allow the Twp. Solicitor to review the revised application. All in favor. Motion carried.

Jennifer Wise-Werkheiser questioned if the Agreement included a generator backup for the signal.

Linda Kresge questioned the proposed Traffic Signal at Rt. 314 re Mt. Airy's development.

#### ADMINISTRATION

Frank Froio, Twp. Administrator, met with Jeremy Sawicki to review the Township's audio/visual needs. He recommended the Board consider the purchase of DELL Vine 11 tablets, \$706.00 each, for the Commissioner's use. G. Hill requested additional quotes. G. Hill made a motion, seconded by J. Lastowski, to authorize the Twp. Administrator to obtain three quotes for tablets. All in favor. Motion carried.

**SEWER**

- A. Enforcement Conference with DEP was held on March 12<sup>th</sup>, 2014, with the Township and Pioneer Construction concerning the Swiftwater Creek fishkill during the construction.
- B. Discussion concerning Glen W. Detrick (formerly Gerald Gay)\_Sewer Easement Settlement Stipulation. The Detrick Sewer Easement Settlement was approved by the former Board of Supervisors on 12/04/2013. G. Hill made a motion, seconded by B. Wise, to authorize the Twp. Solicitor to execute the Stipulation of Settlement for Just Compensation for the Glen W. Detrick (formerly Gerald Gay) in the amount of \$50,000.00. All in favor. Motion carried.
- C. Resolution No. 2014-08 Crossing Premium Outlet Highway Occupancy Permit for sewage connection. B. Wise made a motion, seconded by T. Felver, to approve Resolution 2014-08, Crossing Premium Outlet Highway Occupancy Permit, conditioned upon the Twp. Solicitor and Twp. Engineer's approval. All in Favor. Motion carried.

**PERSONNEL:** Pension Plan - T. Felver explained the Collective Bargaining Agreement increased the contribution to the pension. A Resolution is needed to include the increase to all employees of the Township. T. Felver made a motion, seconded by G. Hill, to authorize the Twp. Solicitor to prepare a Resolution to change the Pension plan to include all full-time non-uniform Employees. All in favor. Motion carried.

**PUBLIC COMMENT:**

J. Lastowski requested the status of payment (\$200.00 per day) for use of Mt. View Park by Camelback Ski Resort. F. Froio noted he is waiting for a review of damages to the park and a statement of days used from Camelback. Diane Zweifel asked who at the Township logged Camelback's use of the park. F. Froio noted the Public Works department kept records of use.

Annabella Lastowski re: Pocono Mountain School District not hooking up to the Sewer System. F. Froio noted since there is no agreement, the School District is not obligated to hookup.

Maxine Turbolski re: Time clocks for employees. F. Froio noted the Township does have time clocks but their use needs to be in compliance with the Union Agreements.

Harold Ernsberger, Executive Director, HJP Park & Open Space Commission, addressed the Board.

- 1) Northampton Community College, Justice Club - use of TLC for "Fun Day" on 4/19/2014 to benefit their Scholarship fund. G. Hill raised concern about Township's liability for use of TLC. T. Felver asked to have a written request to be submitted to the board with an outline of the event. The Board will consider the use at the 04/07/2014 Commissioner's meeting.

**PUBLIC COMMENT ERNSBERGER CONT:**

- 2) H. Ernsberger requested permission to allow NCC Students to assist with cleanup at Mt. View Park this spring. F. Froio is working with the Public Works employees with the goal of opening the park earlier. G. Hill noted volunteers should be under the supervision of a Township employee.
- 3) HJP letter dated 03/14/2014, requesting additional funding for a matching DCNR grant re: Community Center feasibility study. J. Lastowski request additional information on the study. T. Felver questioned the HJP funding. The Board will address the request at the 04/07/2014 regular meeting.

Ridgley Werkheiser and Paul Frantz re: Sewer repair change order. B. Wise explained the previous Board had approved the original Change Order, the Commissioner's approval was for additional grading and reseeding.

Maxine Turbolski and Jennifer Wise-Werkheiser re: Municipal building foyer repair. F. Froio noted he is waiting for an additional quote from a contractor.

**STAFF AND DEPARTMENT REPORTS:**

- A) Twp. Engineer, Mark Ambrose, P.E., T&M Associates presented the Engineer's report to the Board. He noted they are working on a process for timely plan submissions.
- B) Twp. Solicitor, Leo DeVito, Broughal & DeVito LLP, discussed a proposed change to Ordinance No. 121 - Minor Subdivision and SALDO to require plan submissions to be reviewed by the Fire Company as to health and safety issues. Mike Shay, Pocono Township Fire Co. Chief noted the Fire Co. would be agreeable to reviewing the plans for safety issues.
- C) Frank Froio, Interim Township Administrator
  - 1) Pocono Township Community Day - 09/20/2014 B. Wise made a motion, seconded by T. Felver, to approve 09/20/2014, as Pocono Township Community Day. All in favor. Motion carried.
  - 2) Julian Kirk, C.P.A. - Consideration of proposal of engagement letter for Frantz Hill Bridge Grant Audit. J. Lastowski made a motion, seconded by T. Felver, accept the proposal and to authorize the Vice-President to sign the Julian Kirk proposal dated 02/28/2014 for the Frantz Hill Bridge Grant Audit for the sum not to exceed \$2,000.00. All in favor. Motion carried.
  - 3) Employee Handbook update - G. Hill made a motion, seconded by B. Wise, to accept Broughal & DeVito, LLP, proposal of \$1,000.00 to update the employee handbook. All in favor. Motion carried.

- 4) Cole Bros. Circus Event - The Pocono Township Police Department has participated in the Annual Circus at Camelback for several years, volunteering their time for parking and crowd control as a fund raiser for their department. Kent Werkheiser, PTPD Chief explained the officers volunteer off duty for the event. The PTPD does not sponsor the event. G. Hill questioned if the Municipality should participate in a commercial venture. J. Lastowski made a motion, seconded by B. Wise to authorize the Pocono Township Police Department to participate in the Annual Circus at Camelback. Roll call vote: J. Lastowski, yes; T. Felver, yes; G. Hill, no; B. Wise, yes. Motion carried.

Diane Zweifel re: Animal Rights

- 5) Group Health Insurance Plan Summary - F. Froio noted the plan has remained the same as last year's plan. G. Hill made a motion, seconded by B. Wise, to accept the Group Health Insurance Plan Summary provide the plan has not changed from the previous year's plan. All in favor. Motion carried. Leo DeVito, Twp. Solicitor suggested the Health Insurance Company send a letter stating the plan is the same.

- 6) IRS Form 8038-CP - Return of Credit Payments to Issuers of Qualified Bonds - J. Lastowski made a motion, seconded by B. Wise, to appoint J. Lastowski and T. Felver, as contacts on the IRS Form 8038-CP. All in favor. Motion carried.

Kent Werkheiser, Pocono Township Police Chief, showed the audience and board a new Police Vest and a 5 year old vest. He reviewed the Police Report for the month of February.

Mike Shay, Pocono Township Fire Company, reported 59 calls this year to date for a total of 985 man-hours.

**EXECUTION SESSION AND ADJOURNMENT:** G. Hill made a motion, seconded by B. Wise, to adjourn the meeting into Executive Session at 9:15, until 04/07/2014 at the Pocono Township Municipal Building, Tannersville, Pa. All in favor. Motion carried.