

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**  
**REGULAR MEETING MINUTES**  
**04/07/2014 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on April 7th, 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; Mark Ambrose, P.E., T&M Associates; and Pamela Finkbeiner, Secretary; were present.

**ANNOUNCEMENTS**

1. Board of Commissioners met in Executive Session on March 18, 2014 (9:00 a.m.) regarding personnel.
2. Board of Commissioners met in Executive Session on March 20, 2014. (to interview prospective financial planners regarding sewer financing).
3. Board of Commissioners met in Executive Session on March 26, 2014 (6:00 p.m.) regarding personnel.
4. Board of Commissioners met in Executive Session on March 29, 2014 (9:00 a.m.) regarding personnel.
5. Board of Commissioners met in Executive Session on April 7, 2014 (6:00 p.m.) regarding personnel and litigation.
6. Planning Commission Meeting on April 14, 2014 (7:00 p.m.).
7. Planning Commission Meeting on April 17, 2014 (7:00 p.m. Zoning Work Session).
8. Zoning Hearing Board Meeting (Northampton Community College) on April 23, 2014 (5:00 p.m.).

**APPROVAL OF MINUTES**

T. Felver made a motion, seconded by G. Hill, to approve the minutes of the Commissioners meeting of 03/17/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**APPROVAL OF BILLS AND TRANSFERS**

B. Wise made a motion, seconded by R. Wielebinski, to approve the Check Listing, dated April 7, 2014 (excepting all tele-communication bills). Roll call vote: R. Wielebinski, abstained; 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 Check Listing, dated April 7, 2014 (tele-communications bills). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**PUBLIC COMMENT:**

Diane Zweifel, re public comment periods. R. Wielebinski noted the agenda allows for two public comment periods, first on agenda items and second for general comments.

Jake Singer, questioned Zoning Hearing NCC Sign.

**COMMISSIONERS COMMENTS**

Gregory Hill, Commissioner, commented on the process of choosing a Township Manager. He believed the Board's choice of manager had the ability to become a stellar manager.

Brad Wise, Commissioner, reported the Sewer Committee is working to resolve several issues: 1) Paul Frantz's request for water-meters; 2) Billing & Collection system with the assistance of Mark Ambrose, Twp. Enginger; 3) Operating and Maintenance for Pump Stations & Valve Stations; 4) Inspections of the Pump Stations; 5) Organizing the Contracts and Plans for the sewer project; 6) Reviewing the intergovernmental agreements, completion of Act 94; 7) Alternative solutions to the 'Hump' in the line; 8) New connections in the next few months.

Mark Ambrose, Twp. Engineer, noted they are in the process of reviewing the estimated flows for above the repair. Connection letters will be sent to property owners below the repair, with connection letters limited above the repair.

Brad Wise noted he is also working with Pam Finkbeiner and Lisa Pereira, Twp. Solicitor, to finalize record retention procedures and a Resolution for Disposal of records.

**APPOINTMENTS AND RESIGNATIONS - BOARD, COMMISSIONERS AND COMMITTEES**Mountain View Park Board Appointments:

R. Wielebinski made a motion, seconded by G. Hill, to appoint Jim Olizarowicz, Denise Herbert, Robert Felins, and Andrea Learn. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Vacancy Board Chair:

R. Wielebinski made a motion, seconded by T. Felver, to appoint Lynn Lansdowne as Vacancy Board Chair. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Zoning Hearing Board Alternate:

R. Wielebinski made a motion, seconded by B. Wise, to appoint Judi Coover as Zoning Hearing Board Alternate. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

No action taken on Civil Service Commission Alternates (3), HJP Park Commission, and PJJWA Board (5).

**ORDINANCES:**

Ordinance No. 2014-02 - Commissioner's Compensation - Leo DeVito, Twp. Solicitor, noted the Ordinance had been advertised, posted on the website and made available to the public at the Township office. The Ordinance establishes a yearly compensation of \$3,250.00 for each Commissioner. He opened the Public Hearing to comment. No comments were heard.

R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Ordinance No. 2014-02 - Commissioner's Compensation. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Ordinance No. 2014-03 - Pocono Township Tax Collector Ordinance - Leo DeVito, Twp. Solicitor, noted the Ordinance had been advertised, posted on the website and made available to the public at the Township office. L. DeVito noted the ordinance establishes the powers and duties of the Pocono Township Tax Collector. He opened the Public Hearing to comment. No comments were heard.

R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Ordinance No. 2014-03 - Pocono Township Tax Collector Ordinance No. 2014-03. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**RESOLUTIONS**

Resolution 2014-09 regarding Township Treasurer. L. DeVito, Twp. Solicitor requested the Board table the Resolution at this time. T. Felver made a motion, seconded by G. Hill, to table Resolution No. 2014-09 - Township Treasurer. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Resolution 2014-07 regarding Pocono Township Non-uniformed Employee's Pension Plan - T. Felver made a motion, seconded by J. Lastowski, to adopt Resolution 2014-07 updating the Pocono Township Non-uniformed Employee's Pension Plan with amendment number 3. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Resolution 2014-10 authorizing Special Professional Services - R. Wielebinski made a motion, seconded by G. Hill to adopt Resolution 2014-10, authorizing Special Professional Engineering and Solicitor services. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Resolution 2014-11 regarding appointment of Financial Adviser. J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2014-11, appointing The PFM Group as Financial Adviser to Pocono Township. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Jeffery Snyder commented on the excellent services PFM Group provided to the Pocono Mountain School District. J. Lastowski noted their services will included other aspects of the Township, not just the sewer project.

**RESOLUTIONS CONT:**

Resolution 2014-12 - ratifying the conditional employment offer for Township Manager. R. Wielebinski was pleased to announce an employment offer has been made to Gregg Schuster for the position of Township Manager. G. Hill noted he will be formally appointed in approximately 2 to 3 weeks. J. Lastowski stated it was a difficult choice between the last two candidates but Gregg Schuster was exceptional throughout the interviewing process. B. Wise noted Gregg Schuster was extremely well qualified, serving as First Selectman for Colchester, Connecticut, and has a background in sewer, water, schools; created a code of ethics for employees; and won awards for budgets. R. Wielebinski made a motion, seconded by T. Felver, to approve Resolution 2014-12 - ratifying the conditional offer of employment to Gregg Schuster, and authorizing the Township Solicitor to prepare an employment agreement for the Township Manager. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Jeffery Snyder re: salary for the new Manager. R. Wielebinski noted the offer was for \$110,000.00 per year with benefits to be worked out in the employment offer.

Jane Cilurso, applauded the Board for hiring a Manager.

**PLANNING AND ZONING**

Presentation - Christine Dettore, Monroe County Planning Commission Director, addressed the Board on the services provided to Townships by the County. She noted money is available to assist the Township in updating of Zoning & SALDO ordinances. The Board thanked C. Dettore for her presentation.

L. DeVito, Twp. Solicitor noted the Pocono Township Planning Commission is holding Workshops the third Thursday of each month to review the Ordinances. G. Hill requested the updating of signage Ordinance be top priority. Discussion followed on 'Trailer Signage'. L. DeVito will work with the Zoning Officer to identify the vehicle 'Trailer Signs' which may be prosecuted.

Joe Folsom questioned the use of 'A-Frame' signs.

Ridgley Werkheiser requested the Township review the signs on the Fire Co. property and any other Township properties.

The Reserve at Bryson's Farm - Consideration of Issuing Sewage Permits for Lot 8. L. DeVito, Twp. Solicitor explained the property is located in two Townships. T. Felver made a motion, seconded by J. Lastowski, to approve issuing the Sewage permit to The Reserve at Bryson's Farm, Lot 8. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**DEVELOPMENT**

Resolution 2014-15 authorizing execution of The Spirit of Swiftwater, Inc. traffic signal maintenance agreement. Anthony Maula, Developer, represented the plan. L. DeVito noted the revised agreement was incorrect. B. Wise made a motion, seconded by R. Wielebinski, to table Resolution 2014-15 - Spirit of Swiftwater, Inc., traffic signal maintenance agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Resolution 2014-13 - Final plan approval for the Tanalo Estates subdivision. Sarah Bue-Morris, Bue-Morris Engineering, and Jeffery Snyder, Developer, represented the plan. S. Bue-Morris noted Planning Modules were completed. Signed and sealed plans will be provided to the Township. L. DeVito, Twp. Solicitor read the Resolution to the Board. B. Wise made a motion, seconded by R. Wielebinski, to approve Resolution 2014-13 - Final plan for Tanalo Estates, conditioned upon the developer submitting a letter to the Township, agreeing to the terms of the Resolution. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Resolution 2014-14 for Grossi lot consolidation plan approval. Ray Rogers, Frank Smith. The plan is for two non-conforming lots to be combined creating a 'lesser' non-conforming lot. Discussion followed on setbacks, and right-of-way access to property. J. Lastowski made a motion, seconded by G. Hill, to table the Grossi Lot Consolidation Plan - Resolution 2014-14. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**ADMINISTRATION**

NCC Criminal Justice Project - use of TLC Property. Harold Ernsberger addressed the Board and introduced the NCC Criminal Justice Project members. The group requested use of the Park on April 19<sup>th</sup>, 2014 for their first annual "Fun Day" to raise money for the book fund for NCC Students. G. Hill noted the Insurance Certificate was incorrect, needed to state Commissioners not Supervisors. A new certificate will be supplied. R. Wielebinski made a motion, seconded by G. Hill, to approve the use of the TLC Property to the NCC Criminal Justice Project for "Fun Day" on April 19<sup>th</sup>, 2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

HJP request for contribution for a feasibility study. No action taken.

Harold Werkheiser Litigation - Settlement offer - L. DeVito, Twp. Solicitor explained a motion was needed to either accept or reject the settlement offer. Discussion followed. R. Wielebinski noted the Teamster Union did not approve the settlement offer. J. Lastowski and G. Hill noted their decision was not personal nor an easy decision to make, but they would vote in the best interest of the Township. R. Wielebinski made a motion, seconded by J. Lastowski, to reject the Harold Werkheiser settlement offer. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, abstained. Motion carried.

Maxine Turbolski, Peter Nish, Wayne Daubert, Robert Demarest, Holly Loysen questioned why the Board did not give H. Werkheiser his job back.

Vast Abstract - Consideration of Transfer Tax Refund. L. DeVito, Twp. Solicitor, explained the Township received Real Estate Transfer tax money in error for a transfer of property between family members. T. Felver made a motion, seconded by J. Lastowski, to refund Vast Abstract in the total of \$686.00. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Treasurers Bond payment - R. Wielebinski made a motion, seconded by G. Hill, to table the Treasurer's Bond payment. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

#### **SEWER**

Discussion and consideration of approval of the Chelsea Pocono (Crossings) Sanitary Sewer HOP Application Agreement. Deanne Schmoyer, Borton-Lawson Engineering, Inc., represented the plan. Mark Ambrose, Twp. Engineer explained Chelsea Pocono (Crossings) is in the process of decommissioning their treatment plant and connecting to the sewer system. PennDOT requires the Township to be the applicant and Chelsea will be responsible for all costs. B. Wise made a motion, seconded by G. Hill, to authorize the President to sign and authorize execution of the Chelsea Pocono (Crossings) Sanitary Sewer HOP Application Agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Contract No. 3, Payment Request #16 - Concern was raised about the remaining grading work to be completed. G. Hill made a motion, seconded by J. Lastowski, to table Leeward Construction, Inc., Contract No. 3, Payment Request #16 in the amount of \$67,391.69 until completion of the work. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Contract No. 3, Change Order 7, Leeward Construction, Inc. - G. Hill made a motion, seconded by J. Lastowski, to table Contract No. 3, Change Order 7 via the PennVEST disbursement Website for approval of eligibility for reimbursement under PennVEST Grant #27790. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Road Inspection Work - Stroud Township - J. Lastowski made a motion, seconded by T. Felver, to approve payment of \$4,478.23 to Stroud Township to satisfy the remaining road inspection fees for work performed within Stroud Township under Contract No. 14. The contractor had previously reimbursed Pocono Township for these fees. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**SEWER CONT:**

Contract No. 14, Payment Request #9, Final - PACT Construction, Inc.- G. Hill made a motion, seconded by J. Lastowski, to approve the release of the remaining Contract balance of \$10,000.00 to PACT Construction, Inc., under Contract No. 14, Payment Request #9 - Final. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**PUBLIC WORKS**

Learn Road drainage repair - M. Ambrose, Twp. Engineer, reported he had inspected the erosion to the shoulder along Learn Road near Archer Lane. The shoulder has eroded to the edge of pavement. Preliminary cost estimate to repair is \$67,000.00, which would include inlet boxes, new drainage pipes, and black top. Discussion followed as to cost, grant funding, emergency plan for repair. G. Hill suggested the Board review the budget for funding for the various roadway repairs needed in the Township.

**PERSONNEL**

Pocono Township Police Officer Anglemyer Grievance - Use of Sick day for Personal Day - L. DeVito, Twp. Solicitor, recommended the Board accept Officer Anglemyer's Grievance. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**PUBLIC COMMENT**

Wayne Daubert questioned when the rental houses would be rented and the hook-up schedule for residents. J. Lastowski noted the Board will look into the rental of the properties.

B. Wise explained that properties south of the area to be repaired on the sewer line will be sent connection notices in the next few weeks.

Properties north of the repair area will be limited until the repair is made.

Annabella Lastowski, re: background checks for park employees and improvements to sound system for meeting room.

Dave Mandelowitz requested the Township consider line painting on Oak Hill Road.

Jake Singer, status of the electronic billboard near the Scotrun exit.

**STAFF AND DEPARTMENT REPORTS**

Mark Edinger, Twp. Engineer submitted their report for April.

Leo DeVito, Twp. Solicitor

- a) Planning Commission has requested a time limit for plans which linger excessively without progress. Discussion followed. The Board suggested the Planning Commission recommend a time limit for plans before the Solicitor and Engineer draft an ordinance.

**REPORTS CONT:**

- b) Pocono Twp. Fire Co. - recoup costs associated with accidents. L. DeVito will review the matter.
- c) Burton Road - Paving - Paradise Twp. is in the process of preparing and bidding out in-place paving for Burton Road. Approximately 3,300 feet of Burton Road is in Pocono Township and Paradise is requesting Pocono Twp. cover the cost of paving the section located in Pocono. Discussion followed as to if Paradise could bid Pocono's section out separately and cost.

Frank Froio, Twp. Administrator, request for Aardvark Entertainment contract deposit of \$650.00 for Pocono Township Community Day. Discussion followed on the contract, insurance liability, and services provided. J. Lastowski made a motion, seconded by B. Wise, to approve the down-payment of \$650.00 to Aardvark Entertainment with condition the Twp. Solicitor approves the contract. Roll call vote: R. Wielebinski, no; J. Lastowski, yes; T. Felver, no; G. Hill, yes; B. Wise, yes. Motion carried. R. Wielebinski and T. Felver voted no to hold the check with the condition. They were in favor of paying the deposit.

**ADJOURNMENT**

R. Wielebinski made a motion, seconded by T. Felver, to adjourn the meeting at 10:40 p.m. until 04/21/2014, at 7:00 p.m. at the Pocono Township Municipal Building, Tannersville, Pa. 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