

**POCONO TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES**

**MAY 5, 2014**

**7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on 05/05/2014, 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; Tim Edinger, T&M Associates; and Pamela Finkbeiner, Secretary; were present.

**ANNOUNCEMENTS:**

- 1) Board of Commissioners met in Executive Session on April 29, 2014 (6:15 p.m.) regarding personnel.
- 2) Board of Commissioners met in Executive Session on May 5, 2014 (6:15 p.m.) regarding litigation.
- 3) Pocono Township Spring Clean-Up, May 8 through May 10, 7:30 a.m. - 3:00 p.m. each day.
- 4) Planning Commission Meeting on May 12, 2014 (7:00 p.m.).
- 5) Mountain View Park Board Meeting on May 13, 2014 (7:30 a.m.).
- 6) Business Owners Meeting on May 13, 2014 regarding proposed sign ordinance (7:00 p.m.).
- 7) Planning Commission Meeting on May 15, 2014 (7:00 p.m. Zoning Work Session) CANCELLED.
- 8) Board of Commissioners Meeting on May 15, 2014 at NCC regarding sewer system (7:00 p.m.).

**Minutes:**

T. Felver made a motion, seconded by G. Hill, to approve the Commissioners' regular meeting of 04/21/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

G. Hill made a motion, seconded by T. Felver, to approve the Commissioners' minutes of the Special meeting of 04/29/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**Bills and Transfers:** T. Felver made a motion, seconded by G. Hill, to approve the Check Listing, dated 05/05/2014 (excepting all tele-communication bills and check No. 51957-Monroe County Treasurer). 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 B. Wise, to approve the Check Listing, dated 05/05/2014 (tele-communications bills). Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**PUBLIC COMMENT:**

Diane Zweifel questioned the fees for Cleanup days. She suggested the Township contact Chestnuthill Township for information about their 'Give and Take' day and 'Close the Loop', recycling program.

Judy Martinell questioned the Commissioners concerning of trees on their property during the recent installation of the Vincent Trapasso's Digital billboard located on Rt. 611, Scotrun.

Tom Felver noted the Monroe County Conservation District and PennDOT are looking into the problems.

Brad Wise stated the Commissioners are aware of the problem. The Township has issued a Cease & Desist and building and zoning permits have been pulled.

**REPORT OF THE COMMISSIONERS: None****REPORT OF THE COMMISSIONERS:**

Gerald Lastowski, Vice President

- a) Pocono Township Fire Company meeting with the Commissioners, on June 2<sup>nd</sup>, 2014, at 6:00 p.m.
- b) Civil Service Commission's request to use number identification instead of Officer's name. Peter Nish, Chairman, Civil Service Commission, stated he felt it was a disservice to the Officers to have their names announced in public for grievances. Leo DeVito, Twp. Solicitor, noted for Union grievances which go before the Board of Commissioners, the name or badge number must be listed. Officers do have the option to file a grievance directly to the Civil Service Commission without necessitating action by the Commissioners, requiring identification of the officer. Discussion followed. G. Hill and J. Lastowski requested names be withheld. B. Wise, T. Felver, and R. Wielebinski requested the Officer's name be listed.
- c) Suspending enforcement of the 2003 Sign Ordinance. J. Lastowski raised concern that the present sign ordinance may change allowing what is now an illegal sign to become a legal sign. He asked the board for their opinion on suspending enforcement until the new sign ordinance is adopted. B. Wise stated the present ordinance needs to be enforced since the Township has not actively pursued the illegal signage in the past and the new ordinance may take several months to update. R. Wielebinski noted the signage problems have grown and enforcement is needed to 'clean-up' the problem of illegal signage. G. Hill agreed. The Board of Commissioners recommended the Zoning Officer continue with enforcement of the present sign ordinance.

Tom Felver, Commissioner, noted the 2013 Audit has been completed.

Greg Hill, Commissioner, no report.

Brad Wise, Commissioner, reported on the activities of the Sewer Committee:

- a) A meeting was held with the Crossings re: HOP and sewer hookup
- b) A meeting was held with Sanofi Pasteur re: Dengue Building LDP
- c) A meeting was held with John Rice, Attorney, concerning repair of the 'hump' in the sewer line. Projected time line for repair to be completed is targeted for late fall.
- d) A meeting with Village View Apartments concerning the lateral hookup.
- e) A meeting will be held on the May 7<sup>th</sup>, with MCCD -NPDES permit renewal for the Township.
- f) A meeting will be held on May 9<sup>th</sup>, BRCR - Controls for Pump Stations and Valves and the possibility of BCRA taking over billing and collection for the Township.
- g) A meeting is scheduled for May 15<sup>th</sup>, with Kalahari for pre-construction of the Sewerline.

### CONDITIONAL USE HEARING

Northampton County Community College - Sign Plaza Request - Donna Kenderline, court reporter was in attendance. Leo DeVito, Twp. Solicitor, opened the Conditional Use Hearing. The meeting was advertised and posted. Pocono Township Planning Commission recommended approval at their 04/28/2014 mtg. Marc Wolf, Attorney for NCC, presented the request, and called John Young, Architect, and Tom McKeown, Real estate appraiser, as witnesses. L. DeVito, Twp. Solicitor, opened the hearing to comments, hearing none, the hearing was closed. Discussion followed on the digital display.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Northampton County Community College's Sign Plaza Conditional Use with conditions:

- 1) All comments of the T&M review letter of 04/11/2014 be addressed.
- 2) The Zoning Hearing Board decision is obtained.
- 3) Applicant complies with all State and Township regulations.

Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

### APPOINTMENTS AND RESIGNATIONS - BOARD, COMMISSIONERS AND COMMITTEES

- A. Civil Service Commission Alternates (3) - Consideration of Appointments
- B. HJP Park Commission Appointments
- C. PJJWA Board

No action taken.

### ORDINANCES

Amendment to Pocono Township Subdivision and Land Development Ordinance (SALDO) to require applicant to pursue approval of preliminary plans within two (2) years - J. Lastowski made a motion, seconded by G. Hill, to authorize the Township Solicitor to submit the draft Ordinance to Monroe County Planning Commission for review. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**ORDINANCES CONT:**

Second hand dealers/pawn shops - Discussion followed. J. Lastowski commented on the legality of regulating businesses. B. Wise noted it would assist the Police Department in the tracking of stolen goods. Frank Froio, Twp. Administrator, suggested the fee be referenced in the Twp. Fee Schedule instead of the Ordinance. R. Wielebinski made a motion, seconded by T. Felver, to authorize the Township Solicitor to draft an ordinance regulating second hand dealers/pawn shops. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Pocono Township Park and Recreation ordinance - The present ordinance was adopted on 08/16/1976. The Commission concurred the Park Board should be an advisory Board to the Commissioners. J. Lastowski made a motion, seconded by G. Hill, to authorize the Township Solicitor to draft an ordinance for an advisory Pocono Township Park and Recreation Board. 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 - G. Hill made a motion, seconded by T. Felver, to adopt Resolution No. 2014-09 regarding Township Treasurer. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Resolution 2014-21 - R. Wielebinski made a motion, seconded by T. Felver, confirming appointment of Commissioner Gerald Lastowski as the Board of Commissioners' Representative to the HJP Park Commission. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

**DEVELOPMENT**

Pocono Manor-Kalahari request for modifications - concerning water booster station located on SR 314. Dave Horton, Pennoni Associates, explained Zoning officer Michael Tripus, requested a waiver from SALDO, Article 2 - LDP application.

Brad Wise made a motion, seconded by J. Lastowski, to approve Pocono Manor-Kalahari Water Booster Station on SR314 RFMS:

- A) SALDO, Article 2 - Site Improvement Plan acceptance and LDP application be waived.
- B) Ord. 138, Article IV, Sec. 402.A.4 - Exemption from Stormwater Management Plan Requirements.

Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Pocono Manor-Kalahari request for modification - 60 Day requirement - Annie Lamberton, Tobyhanna Township, requested the Commissioners consider waiving the 60 day requirement of the Intergovernmental Agreement for the Pocono Manor/Kalahari sewerline. Tim Edinger, Twp. Engineer, noted they are in the process of completing their review. Discussion followed on the closure of Rt. 314 during construction of both the water and sewerline.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the RFM from the Intergovernmental Sewage Collection and Disposal Services Agreement between the Townships of Tobyhanna and Pocono, Article 3, Sec. 3.1.1(c) - 60 day notice in advance of construction, conditioned upon the Twp. Engineer's favorable review of the plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; G. Hill, no; and B. Wise, yes. Motion carried.

Resolution 2014-xx granting conditional preliminary plan approval for The Spirit of Swiftwater, Inc. - T. Felver made a motion, seconded by G. Hill, to table Resolution No. 2014-XX. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Resolution 2014-22 - Preliminary/Final plan approval for Sanofi Pasteur, Inc. Dengue project. - Aaron Sisler, Borton-Lawson Engineering, represented the plan. B. Wise made a motion, seconded by J. Lastowski, to adopt Resolution 2014-22 - Preliminary/Final Plan for Sanofi Pasteur, Inc., Dengue project, conditioned upon receipt of a letter of acceptance. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

#### **SEWER**

Sewage Exemption Request for Spirit of Swiftwater - T. Edinger, Twp. Engineer explained the Exemption Request was for planning process of land development plan. The property will be hooked up to the Central Sewer system. R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Sewage Exemption Request for Spirit of Swiftwater. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

Just Compensation - Glenn and Melinda Detrick for Condemnation of Property for Sewer Construction. J. Lastowski made a motion, seconded by B. Wise, to authorize the payment of Just Compensation to Glenn and Melinda Detrick for Condemnation of Property in the amount of \$50,000.00, for Sewer Construction. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes. Motion carried.

#### **PERSONNEL**

Disciplinary action - Officer Rath - B. Wise made a motion, seconded by R. Wielebinski, to approve Disciplinary Action of 1 day suspension, concerning Officer Rath and authorizing the President to send a letter stating the suspension. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; G. Hill, yes; and B. Wise, yes.

#### **PUBLIC COMMENT:**

Peter Nish, thanked the Board for addressing his concerns re: Civil Service Commission.

Marie Guidry, illegal dog kennel on Rt. 715 - fencing is still up.

**REPORTS**

Tim Edinger, T&M, Township Engineer - A copy of his report was submitted to the Township.

Leo DeVito, Twp. Solicitor - scheduling of meeting with PFM Group, Public Financial Management, Inc.

Frank Froio - Interim Township Administrator

1. Common Ground Ministries request for building space for food pantry items. The Commissioner agreed not to allow the use of Township property.

**EXECUTIVE SESSION: None**

**ADJOURNMENT:** R. Wielebinski made a motion, seconded by G. Hill, to adjourn the meeting at 10:40 p.m., until 05/19/2014, 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.

Respectfully submitted

Pamela Finkbeiner  
Secretary