

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 15th, 2014 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 09/15/2014, 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; and Brad Wise, present.
Greg Hill was absent.

Leo V. DeVito, Broughal & DeVito LLP, Twp. Solicitor; Tim Edinger, T&M Associates, Twp. Engineer; Pamela Finkbeiner, Secretary; and Regina Zuvich, Treasurer, were present.

ANNOUNCEMENTS:

- Fall Clean up Days - September 25th, 26th, and 27th, 7:30a.m. to 3:00p.m.
- Executive Session was held 09/15/2014 at 6:30p.m. to discussion litigation.

MINUTES: B. Wise made a motion, seconded by R. Wielebinski, to approve the minutes of the 09/02/2014 regular Commissioners' meeting. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, abstained; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS

R. Wielebinski made a motion, seconded by T. Felver, to approve the Check Listing, dated September 2, 2014 (excepting all tele-communication bills). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by B. Wise, to approve the Check Listing, dated September 2, 2014 (tele-communication bills). Roll call vote: T. Felver, yes; R. Wielebinski, abstained; J. Lastowski, yes; and B. Wise, yes. Motion carried.

AMENDMENTS TO THE AGENDA:

- a) Presentation of Mike Tukeva moved to after Public comments.
- b) Trap Enterprise action on sign vote has been added to the agenda.

PUBLIC COMMENTS:

Chuck Leonard, Pocono Mountain Economic Development Corporation, spoke concerning the proposed PennDOT improvements to the Route 715/611, and Scotrun run exit. The estimated start date for bidding is 02/2017. A roundabout is proposed at the Scotrun Exit with the removal of the present traffic signal.

Maxine Turbolski and Bob DeYoung, Township residents, questioned the safety of the proposed roundabout. B. Wise noted comments and concerns can be sent to Chuck Leonard at Pocono Mountain Economic Development Corp.

PRESENTATION:

1. Michael Tukeva, Pocono Alliance, presented a plaque to the Township in recognition of the Crossings Abilities Playground. R. Wielebinski thanked the organizations whom contributed to the Crossings Abilities Playground. Wells Fargo Bank - \$50,000, ESSA Bank & Trust - \$50,000, R. Dale & Frances M. Hughes Foundation - \$30,000, Pocono Mountains Community Fundraiser - \$25,000, Sanofi Pasteur - \$18,700, Pocono Raceway/Mattioli Foundation - \$10,000, Carbon-Monroe-Pike Mental Health -\$9,477, Camelback Mountain Resort - \$7,000, Michael Baxter's High Five Auction - \$6,525 (Gregg Artzt - \$5,000), Rotary Club of the Stroudsburgs - \$6,000, St. Luke's University Health Network - \$5,000, Weiler Family Foundation - \$5,000, Tannersville Lions Club - \$5,000, Jordan Foundation - \$3,000, Big Daddy's Family Restaurant - \$2,149, NBT Bank - \$2,000, Barley Creek Brew Company - \$2,000, Monroe County Bar Association - \$1,500, Pleasant Valley High School Leo Club - \$1,309, Jimmie Johnson Foundation - \$1,075, The Loft - \$1,000, First Keystone Community Bank - \$1,000, American Legion Wilson-Fischer Post 413 - \$1,000, Big Pocono Ski Club - \$500, International Gymnastics Camp - \$500, Vigon International - \$500, St. Matthew's Church - \$278, Kiwanis Daybreak - \$175. The Board acknowledge the great asset the playground has been to the children and their families in the area.

REPORT FROM THE PRESIDENT: None**COMMISSIONERS COMMENTS:**

Jerry Lastowski, Vice President:

- a) HJP Park donation of dirt - Harold Ernsberger, HJP Director noted he is working with a local developer to coordinate with the Townships to move the dirt to the HJP Park site. He estimated it would take two weeks to complete.
- b) Stadden Road Bridge safety - Three bridges leading into the area of the intersection of Wellington, Stadden and Gardener Roads all have weight limits of 12 tons. The liability of use of the bridge was discussed. T. Edinger suggested the Board meet with Jackson Township Board, Fire Companies and local legislators to discuss the problems. Dennis Purcell, Township resident, noted PPL used a temporary 'over bridge' to span a lesser bridge on Wilkie Road during construction. Mike Shay, Pocono Township Volunteer Fire Company, noted it is not the only area of concern in the Township.
- c) 911 address signs in Pocono Manor. On a recent call to Pocono Manor, it was difficult to locate due to lack of green and white 911 signs. T. Felver stated Pocono Manor was exempt from the green and white 911 signs since it was an historic district.

COMMISSIONERS' COMMENTS:

Tom Felver, Commissioner:

- a) Attended a meeting with R. Wielebinski and Julian Kirk, auditor, to discuss a finding concerning the payment of three payroll checks to a former employee.
- b) Route 314 roadwork - he has contacted the Township manager concerning the restoration work timeline.
- c) Closing of Fairview Ave was not in the Permit for work when issued.

Brad Wise, Commissioner: None

REPORTS:

Pocono Township Police Chief Kent Werkheiser, reported for the month of August, 375 calls were handled. A full copy of his report is on file at the Township.

Pocono Township Volunteer Fire Company President Mike Shay reported 38 call out. Pocono Township Community Day is Saturday, September 20th, 2014, and on October 12th, 2014 the Fire Company will have an Open House for the public. He invited everyone to attend the events.

Central Pocono Ambulance Association, Inc. Manager Linda Smith - absent.

ADMINISTRATION:

Township Manager Gregg Schuster was absent - B. Wise reported on his behalf.

- a) Policy on drainage complaints - B. Wise noted the Commissioners are to respond the questionnaire sent out by G. Schuster.
- b) Job description template
- c) Civil Service Solicitor - B. Wise noted John Harrison, Broughal & DeVito is assisting in finding a Solicitor for the Civil Service Commission.
- d) The advertisement for the hiring of Patrolmen has been placed.

Township Engineer Tim Edinger - Discussion of the Traffic Signal Warrant Study Review letter of 09/12/2014. B. Wise asked if the Directional Drilling Bid would be ready by the end of the month. T. Edinger noted they are waiting for the PennDOT review comments before bidding out the Directional Drilling Bid.

Township Solicitor Leo DeVito

- a) Possinger Variance Application for Zoning Hearing - Discussion on the size and height requested in the application. The Board raised concern that the size and height is excessive. T. Felver made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor and Township Engineer to attend the Possinger Variance ZHB hearing, 09/23/2014 at 7:00 p.m., to present evidence on the Township's behalf concerning the height and size of the proposed billboard. Roll call vote: T. Felver, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

- b) Affirmation of membership of the Recreation Committee - L. DeVito, Twp. Solicitor, noted with the exception of Zoning Hearing Board members, committee members may serve on more than one board.
- c) Employee Separation Agreement- L. DeVito, Twp. Solicitor, noted the agreement is for a voluntary resignation of former Police Officer Christopher Dittman. Judy Coover, Township resident, questioned the conditions of the agreement. R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Employee Separation Agreement for Christopher Dittman. Roll call vote: T. Felver, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.
- d) Trap Enterprises Cease & Desist - L. DeVito, Twp. Solicitor, noted the Appeal was withdrawn. The Township has the option of pursuing the enforcement issue for the 14 days of construction before the permits were issued by DEP/PennDOT or acknowledge the permits were received and approvals met. R. Wielebinski made a motion, seconded by T. Felver, to acknowledge the approvals were met and not proceed with enforcement of the Cease & Desist. Roll call vote: T. Felver, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, no. Motion carried.

Township Treasurer Regina Zuvich reported the income and expenses are on target with the budget.

PRESENTATIONS

- a) PFM Group, Public Financial Management, Inc. - RFP for Refinancing Results - Scott Shearer, PFM Group, discussed the Summary of 2014A Bank Loan RFP results, recommending the 1st Keystone 5 year - Option No. 2. L. DeVito, Twp. Solicitor, noted the Board will have a special meeting on or before 09/30/2014 where the Commissioners may vote to authorize advertising the approved option for funding. No action taken.
- b) Conditional Use Hearing for John Cichon - Sign Plaza - Josephine Hollman, Court Reporter and Dr. John Cichon were present. L. DeVito, Twp. Solicitor, opened the hearing at 8:55 p.m., noting the hearing has been duly advertised and posted. The property is located at 106 Talon Drive, Tannersville, Pa. The proposed sign plaza is located on Learn Road. A conflict in the Zoning Ordinance, Article II - definition of right-of-way. The LDP shows a proposed right-of-way for future road widening. The hearing was continued until 10/06/2014 to allow the Twp. Zoning Officer to clarify if the existing or proposed right-of-way is the setback line of the sign.

c) Conditional Use Hearing for Raceway Holdings - Sign Plaza - Josephine Hollman, Court Reporter; Marc Wolfe, Solicitor, Newman, Williams, Mishkin, Corveleyn, Wolfe & Fareri, P.C.; Andrew Taylor, Complete Imaging Corp.; Thomas McKeown, McKeown Reality; and Peter Terry, Benchmark Civil Engineering were in attendance. Marc Wolfe presented testimony for the sign structure, sight distance, impact on property values, and non-conformance. The new Plaza sign will be located out of the Right-of-ways with low growth planting at the base. The PennDOT permit will be applied for after the Zoning Permit is issued. L. DeVito closed the hearing.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Conditional Use Application for Raceway Holdings - Sign Plaza conditioned upon:

- 1) New Sign Plaza to be located out of the Route 715 Right-of-way.
- 2) Large Boulder to be removed if on applicant's property.
- 3) Bottom of sign to be at least 60" above existing grade.
- 4) Landscaping to be low-growth only.
- 5) Subject to PennDOT permit requirements for sign plaza.
- 6) Relocated outside the private right-of-way.
- 7) Sign to be conforming.
- 8) Plaza sign complies with Zoning Requirements.

Marc Wolfe requested the non-conforming Height be maintained. L. DeVito noted the application is only for the Conditional Use of the sign plaza and any non-conformity requested would need a variance from the ZHB.

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

ORDINANCES

Revision of Ordinance allowing burning of leaf and other waste. L. DeVito, Twp. Solicitor, has received the comments from the Monroe County Waste Authority and revised the draft recycling and burning ordinance. The deadline to adopt the ordinances is 09/30/2014 to be eligible for grant funding.

R. Wielebinski made a motion, seconded by T. Felver, to authorize the Twp. Solicitor to advertise the Ordinances for a special meeting on 09/30/2014 at 8:00 a.m., to adopt the revised Ordinances, discuss PFM's options for funding, and any other Township business. Roll call vote: T. Felver, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

RESOLUTIONS

- a) Kopelson Conditional Use approval request - L. DeVito, Twp. Solicitor, suggested the Commissioner vote for the Conditional Use for the Retail center and the reduction of parking spaces separately. T. Felver made a motion, seconded by R. Wielebinski, to approve the Conditional Use for Kopelson's Retail Impact Development. Roll call vote: T. Felver, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, abstained. Motion carried.

T. Felver made a motion, seconded by R. Wielebinski, to deny the request for parking reduction to 5 spaces per 1,000 square feet. T. Felver, R. Wielebinski, and J. Lastowski noted they could not make a recommendation to approve a reduction of parking without additional information on the use of the Retail development. Marc Wolfe, Solicitor, Newman, Williams, Mishkin, Corveleyn, Wolfe & Fareri, P.C., requested the Board defer their decision. Discussion followed.

L. DeVito, Twp. Solicitor noted the plan can go before the ZHB for a variance request for the reduction of parking or once the project is further along, the developer can come before the board for a decision. Ron Swink, spoke concerning the traffic problems in the area.

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

T. Felver noted the Board has reviewed the parking requirements for three meetings. He did not feel they were listening to the residents in deferring their decision.

L. DeVito, Twp. Solicitor noted the Board needed to amend the motion to table to allow a Time Extension for the plan.

J. Lastowski made a motion, seconded by R. Wielebinski, to table the motion conditioned upon an Extension of Time being submitted. T. Felver left the meeting. No vote was taken due to lack of quorum.

Marc Wolfe will submit a Time Extension for the project.

Richard Almquist questioned the validity of the vote.

Resolution No. 2014-51 - Revised Employee handbook -The handbook is for the 3 non-union employees, Regina Zuvich, Pamela Finkbeiner, and Gregg Schuster. R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution No. 2014-51 - Revised Employee handbook. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution No. 2014-52 - Agreement with Pennsylvania Chiefs' of Police Association. L. DeVito, Twp. Solicitor explained it the agreement for the testing of police officers. J. Lastowski made a motion, seconded by B. Wise, to adopt Resolution No. 2014-52 - Agreement with Pennsylvania's Chiefs' of Police Association. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution No. 2014-53 - Agreement with Pocono Medical Center for Police Officer testing - L. DeVito explained the agreement was in order. J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2014-53-Pocono Medical Center Agreement. Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution No. 2014-54 - Supplemental appropriation for road maintenance. Additional paving of portions of the Woodlands, Fish Hill Road, Woods Road, Bear Run, and Clearview Road estimated at \$58,683.00. J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2014-54 - Supplemental Appropriation for road maintenance. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

PUBLIC COMMENT

ADJOURNMENT

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 10:45 p.m., until 10/06/2014 at 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Respectfully submitted
Pamela Finkbeiner
Secretary