

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING

DECEMBER 2nd, 2014 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 12/2/2014, at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Richard Wielebinski at 7:10 p.m. followed by the Pledge of Allegiance.

ROLL CALL: Rich Wielebinski, present; Jerry Lastowski, present; Tom Felver, present; Peter Nish, present; and Brad Wise, present.

Leo V. DeVito, Broughal & DeVito LLP, Twp. Solicitor; Tim Edinger, T&M Associates, Twp. Engineer; Gregg Schuster, Twp. Manager; and Pamela Finkbeiner, Secretary were present.

ANNOUNCEMENTS: R. Wielebinski stated an executive session was held at 6:30 p.m. 12/2/2014, to discuss sewer litigation matters.

MINUTES:

R. Wielebinski made a motion, seconded by B. Wise, to approve the minutes of the Commissioners regular meeting of 11/17/2014 with correction of G. Hill to B. Wise. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the minutes of the Commissioners Special meeting of 11/25/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS:

J. Lastowski made a motion, seconded by T. Felver, to approve the Check Listing, dated 12/02/2014 (excepting all tele-communication bills) Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by P. Nish, to approve the Check Listing, dated 12/02/2014 (tele-communication bills). Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

AMENDMENTS TO THE AGENDA: G. Schuster noted Item 13.D is changed to the employment offer to Austin Anglemeyer.

PUBLIC COMMENTS:

Judi Coover, Twp. resident asked:

- 1) Status of the terms for the HJP Agreement.
- 2) Engineering cost for General - \$14,928.33 for October.
- 3) Sewer engineering cost - \$29,190.73 for October.
- 4) Use of Pocono Township Police Officers for Traffic Control of Rt. 715 and Sullivan Trail.
- 5) How user fees for the sewer system established.

PUBLIC COMMENT CONT:

J. Lastowski addressed J. Coover's question concerning HJP. At the HJP meeting on 12/04/2014 he will request the HJP committee set a timeline to complete the agreement review.

B. Wise addressed the engineering fees. T. Felver stated he felt the engineering fees were high. T. Edinger, Twp. Engineer, noted several additional projects such as the zoning hearing appeal work, sign ordinance update, roof addition to the police department added to the cost. J. Coover asked if a full time staff engineer was needed.

B. Wise will provide J. Coover with a review of the engineering cost.

Pocono Township Police Chief Kent Werkheiser addressed the use of Police Officers for Black Friday weekend. Crossing Outlets agreed to pay \$72.00 per officer, for the police coverage to assist with traffic control. He noted officers would be called out regardless on a holiday weekend.

Sewer fees - B. Wise noted Act 203 allows the Township to set the fees based on a process based on the total cost divided by the EDUs. A module based on the Act 537 Plan is completed and submitted to DEP for review. Based on DEP's reviews, the Township drafts the Ordinance to set the fees. G. Schuster, Twp. Manager, noted he requested Tim McManus, former Twp. Solicitor, to attend the next meeting to answer the Board's questions concerning the 'history' of the sewer project. L. DeVito, Twp. Solicitor, noted T. McManus's experience and knowledge of the sewer line will be a great benefit to the Board.

J. Coover asked if the EDU rate could be lowered. B. Wise stated after the hookups are completed the Township may revisit the Act 537 plan to pursue a reduction of the rates.

Bill Toy, manager of Camelback, requested Camelback Parking lot stormwater plan be placed on the agenda. G. Schuster noted the plans were delivered to the Township at 3:00 p.m. and he did not have the time to review the plans and documents. The plan will go before the Board on the 12/15/2014.

Larry Lasko, Twp. resident, requested the Board inspect the spillway at the TLC site. He noted the spillway is being breached at both ends.

Don Pensyl, Surveyor for the Hart Minor Subdivision, questioned if the plan was on the agenda. L. DeVito noted a Time extension letter was not received at the Planning Commission of 11/24/2014; therefore, the Planning Commission recommended denial of the plan unless a Time extension letter was received by the Commissioners meeting. Since a Time extension letter was received at 3:00 p.m., the Board did not need to take action.

REPORT OF THE PRESIDENT - None

Commissioners Comments

Gerald Lastowski, Vice President - None

Thomas Felver, Commissioner: None

Peter Nish, Commissioner: None

Bradley Wise, Commissioner: None

Township Manager Gregg Schuster

- a) EDU appeals - G. Schuster explained the process for EDU appeals - 1) Engineer review 2) Sewer Committee recommendation 3) Board of Commissioners approval.

J. Lastowski made a motion, seconded by B. Wise, to approve the recommendations for Appeals of EDUs dated 11/17/2014 for:

1. Knights Inn (PIN 12638100062175) to deny the request for reduction of EDUs.

2. Fountain Springs West, Units #5 & #7 (PIN 12637201457297) - reduction of Unit #5 - 5 EDUs to 3 EDUS; Unit #7 - 10 EDUs to 1 EDU.

3. 611 Office Plaza (PIN 12637200607303)- reduction from 3 EDUs to 1 EDU.

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

G. Schuster requested a policy for re-appointments for the various boards. P. Nish, J. Lastowski, and R. Wielebinski stated current committee members should be reappointed without interviews as long as the committee member is willing to serve. T. Felver requested the option to interview. G. Schuster noted the Board has the final vote on all appointments.

Township Engineer Tim Edinger presented his report. He is working with G. Schuster and R. Wielebinski to contact the neighboring owners at Stadden Road Bridge. T. Edinger noted the bridge was deemed insufficient by a PennDOT inspector. T&M would like to question PennDOT on the Bridge rating.

A Scoping meeting was held with Lisa Pereira and PennDOT concerning the 2007 Hotel Plans at the Pocono Brewing Company. The plan was previously withdrawn until the Sewer line was completed. Discussion followed on the proposed gas line along Rt. 611 and its impact on proposed 611 improvements. G. Schuster will set up a meeting with PennDOT and other parties involved, concerning the proposed gas line.

Learn Road repair is schedule to start within the next two weeks, weather permitting.

Twp. Solicitor Leo DeVito - no report.

Treasurer Gina Zuvich - absent

PRESENTATIONS:

BCRA - PJJWA Acquisition for PMC West - Ken Brown, Manager BCRA, spoke to the board concerning the proposed purchase of the Pocono Jackson Joint Water Authority. The purchase will make it possible to continue water service to the proposed Pocono Medical Center. A MOU will need to be approved by both Townships to dissolve the PJJWA. J. Lastowski made a motion, seconded by R. Wielebinski, to look in favor of BCRA absorbing the PJJWA. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; P. Nish, yes; and B. Wise, yes. Motion carried.

PRESENTATIONS CONT:

BCRA - MCTI (Monroe County Technical Institute) water line extension - Ken Brown, Manager BCRA, spoke concerning MCTI request for water service. BCRA has agreed to take over the line to the MCTI service area once the water line is completed. The service area will only include MCTI property and MCTI has received an LSA grant for installation of the line. The area between the service areas will not require mandatory connections. Discussion followed to the procedures required for all school district's approvals and easements. The Board will take action at the 12/15/2014 meeting.

Possinger - Sign - Joseph McDonald, Esquire, represented Possinger's request for a sign off Rimrock Road. He noted his client is willing to reduce the size of the sign 33% from 14'x48' to 14'to32' to eliminate the Township's objection to the sign. The sign was moved to satisfy PennDOT's permit requirements as required by the 2013 Conditional Use approval. After discussion with the Twp. Solicitor, it was felt to be beneficial to request the Board of Commissioner's input.

L. DeVito, Twp. solicitor, noted the applicant is asking 'if the applicant is agreeable to amending the size, would the Board withdraw the Township opposition'. L. DeVito noted if the Board is agreeable to withdraw their objection, he recommended the Board approve his attendance to the hearing as an observer, only.

J. Lastowski questioned the two private homes within site of the proposed sign. J. McDonald noted property owner, Robert Stevens, appeared at the first hearing and did not object. The Porkorny property will be contacted. Jon Tresslar, Boucher & James, Inc. noted the base of the sign was moved out of the Stormwater buffer. B. Wise questioned the additional height. J. Tresslar stated the additional 18' in height is to allow for a vertical face verses a horizontal face on the sign.

T. Felver made a motion to remove the opposition to the sign- not seconded.

L. DeVito noted if the application is revised to an off-premise sign a conditional use is not required. Once a sign is submitted as a Billboard then a conditional use is required. Jerry Besco, sign contractor, spoke concerning the change of size height and face location. Discussion followed. No action taken.

Benecon - moved to a future agenda.

ORDINANCES

Ordinance 2014-15 Approving Intermunicipal Liquor License Transfer for former Pocono Brewing Company (Luna Rosa) - L. DeVito, Twp. Solicitor, opened the meeting and explained the law requires an ordinance to allow the transfer of liquor licenses from one Township to another. He opened the hearing to public comment. Jake Singer, and Jane Cilurso, Twp. residents spoke in support of the transfer. Silvio Vitiello, owner, noted the Luna Rosa Restaurant had burned and it was financially better to transfer that license than to purchase the Pocono Brewing Company's license.

ORDINANCE 2014-15 CONT:

T. Felver made a motion, seconded by P. Nish, to adopt Ordinance 2014-15 Approving Intermunicipal Liquor License Transfer for former Pocono Brewing Company (Luna Rosa). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes.. Motion carried.

RESOLUTIONS:

Resolution 2014-67 appointing Rolland Cheesman to the Civil Service Commission - R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2014-67 appointing Rolland Cheesman to the Civil Service Commission. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. . Motion carried.

Resolution 2014-68 approving a Settlement Agreement with Pioneer - R. Wielebinski made a motion, seconded by T. Felver to adopt Resolution 2014-68 approving a Settlement Agreement with Pioneer Construction Company, Inc., Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2014-69 approving a letter of support for PMC West - G. Schuster, Twp. Manger, reviewed the request for Pocono Medical Center West's LSA grant application to extent water service to their proposed project. J. Lastowski made a motion, seconded by R. Wielebinski, to approved Resolution 2014-69 - letter of support for PMC West. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2014-XX approving an agreement with Dave Manter for SEO services - G. Schuster, Twp. manager, explained he was waiting for a response from D. Manter concerning the insurance coverage. No Action taken.

Resolution 2014-70 approving conditional offer of employment for Patrolman to Austin Anglemyer - J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2014-70 approving conditional offer of employment for Patrolman to Austin Anglemyer conditioned upon the passing of additional testing. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

PUBLIC COMMENT: None

ADJOURNMENT: R. Wielebinski made a motion, seconded by T. Felver, to adjourn the meeting at 9:04 p.m., until 12/15/2014 at 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Respectfully submitted:
Pamela Finkbeiner
Secretary