

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**FEBRUARY 5th' 2015 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on 02/05/2015, 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; 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:**

- a) There was an executive session at 6:00 p.m. this evening to discuss potential litigation.
- b) There will be a special meeting on Thursday, 02/12/2015 at 4:30 p.m. to review the proposed sign ordinance.
- c) The next regular meeting will be Tuesday, 02/17/2015 at 7:00 p.m. due to the President's Day holiday.
- d) There will be a special meeting on Thursday, 02/19/2015 at 4:30 p.m. to conduct a hearing for John and Lori Grossi.
- e) There is currently one vacancy on the Recreation Committee, one vacancy on the Planning Commission, and seven vacancies on the Bicentennial Celebration Committee.

**MINUTES:**

R. Wielebinski made a motion, seconded by B. Wise, to approve the minutes of the Commissioners regular meeting of 01/20/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

**BILLS AND TRANSFERS:**

R. Wielebinski made a motion, seconded by T. Felver, to approve the Check Listing, dated 02/05/2015 (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 T. Felver, to approve the Check Listing, dated 02/05/2015 (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, Twp. manager, noted under C - Resolutions, the appointment of Julian Kirk as Auditor, no action will be taken.

**PUBLIC COMMENT:**

James Hagner, Twp. resident, spoke on a police matter concerning children. He felt his civil rights were violated at a recent hearing in front of Judge Olsen and requested the Township to investigate. The Board requested G. Schuster, Twp. Manager, speak to Police Chief Kent Werkheiser.

**REPORT OF THE PRESIDENT:** Richard Wielebinski, President, noted he has resigned from the Central Pocono Ambulance Association due to serious concerns over their financial practices.

**COMMISSIONERS' COMMENTS:**

Gerald Lastowski, Vice President, questioned if the Township pulls out of HJP will Pocono Township be required to return grant funds. L. DeVito, Twp. Solicitor, noted it will be based on the requirements of the grants. Tom Felver, Commissioner, questioned the HJP audit results because the financial statements as presented do not constitute an audit.

T. Felver noted the H20 audit was completed and thanked Gina Zuvich, Twp. Treasurer, and Pam Finkbeiner, Twp. Secretary, for their work with the audit.

Peter Nish, Commissioner, thanked the Pocono Township Road Department for their hard work in maintaining the roadways during the recent storms.

Bradley Wise, Commissioner, noted the Sewer Committee meets the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month at 9:00 a.m., at the Township building; additional EDUs appeals will be coming into the Township as properties are connecting; and Evocqua, Inc., has submitted a proposal to assist with the sewer odor problems occurring in the Township.

**ADMINISTRATION**

Township Manager Gregg Schuster presented his report. He noted the IT service has been working to upgrade the server and the Township now has an additional public Wireless service.

He noted 16 of the Police candidates have passed the written exam. Of the 16 candidates, 13 passed the physical exam.

EDU Appeals - P. Finkbeiner noted Mark Ambrose, Twp. Engineer, will verify the correct PIN number for A&G Quality LLC. J. Lastowski made a motion, seconded by R. Wielebinski, to approve the EDU Appeals for:

1) A&G Quality LLC - Greystone Enterprises from four (4) EDUs to two (2) EDUs. Property PIN: 12637102966840.

2) T&R Realty Group - from three (3) EDUs to two (2) EDUs. Property PIN: 07638103342550

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

Discussion followed on the EDU assignment to properties without water service.

2015 Goals and Objectives G. Schuster, Twp. Manager, presented his goals and objectives for 2015. T. Felver noted since the Township had a healthy fund balance a goal to lower taxes should be included. P. Nish stated a goal of no tax increase should be included. T. Felver did not attend the meeting where the goals were set.

Township Engineer Tim Edinger gave his report.

NCC Escrow Release - Jon Tresslar, Boucher & James, Inc., recommended the release. T. Edinger noted the release is for \$1,554,465.20 from a \$1,891,994.00 total, leaving in balance \$336,994.00. Of that the value of actual improvements installed are approximately \$179,000.00 leaving approximately \$157,000.00 in excess. T. Edinger noted it is his interpretation of the letter and requested the Board contact Jon Tresslar for clarification. G. Schuster suggested requesting J. Tresslar to attend the next meeting. R. Wielebinski made a motion, seconded by P. Nish, to table Escrow Release No. 1. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

T. Edinger will work with Lisa Pereira, Twp. Solicitor, to draft a sample release format for future developments.

Township Solicitor Leo DeVito, no report.

**PRESENTATIONS:**

American Legion Request - War Memorial improvements - Tom Bowditch, Commander American Legion 903, requested permission from the Board to improve the Pocono Township War Monument and Memorial on the former Tannersville Learning Center site. B. Wise noted the Route 80 & Route 715 realignment may run through the former school site. G. Schuster will contact PennDOT and inform T. Bowditch of the status for roadway realignment. R. Wielebinski made a motion, seconded by P. Nish, to approve the American Legion Post 903 request to improve the Pocono Township Veterans Memorial Park. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

PFM - Refinancing Results - Jens Damgaard, Esquire, Rhoads & Sinon LLP, spoke concerning the results. Discussion on the various options followed. R. Wielebinski made a motion, seconded by B. Wise, to approve ESSA's Option #3 as per PFM's refinancing discussion of Competitive Bid Results dated 02/05/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, no; T. Felver, yes; P. Nish, no; and B. Wise, yes. Motion carried.

T. Felver questioned why only two banks sent proposals. Jens Damgaard noted all the banks were given equal time to submit a bid. Discussion followed as to the refinancing options for the Sewer project. J. Damgaard offered his assistance to review the history of the sewer financing.

James Hagner, Twp. resident, interrupted the meeting stating Kent Werkheiser spoke to him as he was leaving. He felt it was harassment. K. Werkheiser noted he did speak with J. Hagner.

Camelback Request for an amendment of the Development Agreement - as per RKR Hess Associates letter of 01/27/2015. Nate Oiler, RKH Hess Associates, represented the plan. He explained there are several improvements such as the stabilization of slopes cannot be completed until weather conditions improve. The Hotel is designed to be built in two phases with a fire wall between the sections. The request is to amend the developer's agreement to allow the Hotel to open before all the conditions of the Developer's agreement are completed. Discussion followed. L. DeVito, Twp. Solicitor noted it is a policy decision for the board to request him to draw up an amended agreement and indemnification agreement to hold the Township harmless in case of an accident.

P. Nish made a motion, Discussion on procedure - seconded by J. Lastowski, to authorize the Twp. Solicitor and Twp. Engineer to amend the Development agreement and draft the necessary indemnification agreements for Camelback Hotel and Waterpark, based upon approval by the Board of Commissioners. Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Donaldson Lot Merger - The applicant requested the plan be tabled. R. Wielebinski made a motion, seconded by T. Felver, to table the Donaldson Lot Merger. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

**ORDINANCE:**

Ordinance 2015-03 - R. Wielebinski made a motion, seconded by T. Felver, to adopt Ordinance 2015-03, authorize the Twp. Bond Solicitor to advertise the Ordinance 2015-03 and hold a public hearing 02/17/2015 - guaranteed sewer revenue note in the amount of \$4,309,000.00 with ESSA bank. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Ordinance 2015-XX - revising the current PJJWA mandatory connection ordinance - L. DeVito, Twp. Solicitor, explained the need to adopt a revised Ordinance for the PJJWA mandatory connection. R. Wielebinski made a motion, seconded by B. Wise, to authorize the Twp. Solicitor to advertise Ordinance 2015-XX revising PJJWA mandatory connection ordinance. B. Wise noted concerns with the wording of the Ordinance. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Ordinance 2015-XX designating the Township Auditor as appointed and not elected - G. Schuster, Twp. Manager, explained the requirement of appointing an Auditor by Ordinance. L. DeVito, Twp. Solicitor, the Ordinance will allow the Township to appoint a qualified Auditor for the Township. T. Felver noted the need to have an auditor appointed to start the 2014 audit. T. Felver made a motion, seconded by R. Wielebinski, to authorize the Twp. Solicitor, to advertise Ordinance 2015XX - designating the Township Auditor as appointed and not elected. Roll call vote: R.

Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

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**RESOLUTIONS:**

Resolution 2015-16 approving an agreement with Keystone for copier services. T. Felver questioned if local businesses were contacted for quotes. G. Schuster noted under 1<sup>st</sup> Class Township rules he did not need to obtain quotes for under \$19,000.00. G. Schuster noted the Commissioner could set policy for future purchases. J. Lastowski made a motion, seconded by P. Nish, to adopt Resolution 2015-16 - agreement with Keystone Business Products for the lease of a copier and wide format printer. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; P. Nish, yes; and B. Wise, no. Motion carried.

Resolution 2015-17 approving an agreement with CS-Graphx for Permit Manager. P. Finkbeiner noted the rate was the same as previous years. R. Wielebinski made a motion, seconded by B. Wise, to adopt 2015-17 agreement with CS-Graphx for the Land Use program, Permit Manager for a total of \$1,850.00. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, abstained as CS-Graphx is a client; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-XX approving an agreement with Julian Kirk for the 2014 audit. No action taken

Resolution 2015-18 approving an agreement with Signal Service for traffic signal maintenance for a total of \$3,825.00 in 2015. - R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2015-18 approving an agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

**PUBLIC COMMENT:**

**ADJOURNMENT:**

R. Wielebinski made a motion, seconded by J. Lastowski, to adjourn the meeting at 8:55 p.m., until 02/17/2015 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  
Township Secretary