

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 17th, 2015 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 02/17/2015, 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, absent.

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

ANNOUNCEMENTS:

- 1) There will be an executive session after tonight's meeting to discuss sewer litigation.
- 2) There will be a special meeting on Thursday, February 19th, 2015, at 4:30 p.m., to conduct a hearing for John and Lori Grossi.
- 3) 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 P. Nish, to approve the minutes of the Commissioners regular meeting of 02/05/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the minutes of the Commissioners special meeting of 02/12/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

BILLS:

R. Wielebinski made a motion, seconded by P. Nish, to approve the Check Listing, dated 02/17/2015 (excepting all tele-communication bills). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

J. Lastowski made a motion, seconded by T. Felver, to approve the Check Listing, dated 02/17/2015 (tele-communication bills). Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

AMENDMENTS TO THE AGENDA: G. Schuster, Twp. Manager, noted the addition to the Solicitor's report concerning the Keystone Business Products lease agreement.

PUBLIC COMMENT: Monica Gerrity, Township resident, questioned if the 3mil budget fund will be used to reduce taxes.

J. Lastowski, R. Wielebinski, and P. Nish spoke on the creation of a long-term Capital Improvement Plan before a tax reduction is considered. G. Schuster noted it would take time to develop the Capital Improvement Plan. T. Felver stated he did not attend the Goal meeting but he felt a tax decrease should be a goal. T. Felver agreed with P. Nish that the Township could not commit to next year's tax rates until a Capital Improvement Plan is created.

M. Gerrity questioned if a spending policy for purchases has been developed. G. Schuster noted the Maxwell Pagerie, ESU intern, is working on creating a spending policy.

M. Gerrity stated she is concerned about the taxes due to the amount of residents with financial hardships.

Tyler Day, representative from State Representative Jack Rader's office, introduced himself.

REPORT OF THE PRESIDENT:

COMMISSIONERS' COMMENTS:

Gerald Lastowski, Commissioner, attended meetings concerning C. Castle's plans for central sewer, renovations and Waterpark for the former Birchwood resort. Tom Olsen, Twp. resident, spoke concerning C. Castle's proposed plan. He offered the transcripts of previous hearings on the property to the board. J. Lastowski noted it was just in the discussion stage, no plans have been submitted.

T. Felver criticized the use of the Twp. engineers to attend meetings for concept proposals.

A meeting with PACT Construction was held to close out their contracts. He has been in contact with Senator Casey concerning Federal monies to assist low-income families with sewer connection costs.

Maxine Turbolski, Twp. resident, questioned HJP park agreement.

Tom Felver, Commissioner -

SR 314 Construction - PennDOT repair of Rt. 314 sewer construction project. T. Felver stated he did not want additional delays to the restoration of the roadway. He requested the sewer committee contact PennDOT. J. Lastowski suggested a motion to authorize the Twp. Manager to send a letter to PennDOT noting the Township is not satisfied with the condition of Rt. 314 and request PennDOT finish the restoration.

R. Wielebinski suggested contacting State Representative Jack Rader to set up a meeting with PennDOT and the residents of Pocono Manor and Kalahari to discuss Rt. 314 projects. M. Ambrose, Twp. Engineer, noted PennDOT is starting the upper portion of Rt.314 on 02/23/2015 and has the final decision on the roadway.

Peter Nish, Commissioner, questioned the change to the setback distance for mandatory connection. J. Lastowski noted the sewer committee is considering a 300' buffer which would only impact 3 or 4 properties.

P. Nish requested the Board reconsider the requirement that only Township residents serve on the Bicentennial Celebration Committee.

REPORTS:

Pocono Township Police Chief Kent Werkheiser gave his report for January. He noted the Traffic control for Rt. 715 and Sullivan Trail went well over the President's Day weekend since the traffic was less than expected due to the cold.

Pocono Township Volunteer Fire Company Chief Mike Shay, - J. Lastowski noted that Chief Shay is a shift worker at the control center has been unable to attend the meetings.

Central Pocono Ambulance Association manager Linda Smith noted 292 calls for

The Monroe County Ambulance Associations will hold a Legislative breakfast, May 2nd at Hughes Cancer Center, East Stroudsburg, which the Commissioners will be invited to attend.

ADMINISTRATION

Township Manager Gregg Schuster gave his report. Civil Service Commission met and 10 of the 13 candidates passed the oral boards. The Civil Service Commission will pick the top 5 of the applicants to submit to the board. R. Wielebinski asked the status of BCRA's extension of the line to the Monroe County

G. Schuster introduced Jeff Clapper, Pocono Township's new Public Works Director.

Township engineer Mark Ambrose:

NCC Escrow release - L. DeVito, Twp. Solicitor, noted the revised 02/10/15 letter from Jon Tresslar, Boucher & James, Inc., recommended the release. T. Felver made a motion, seconded by R. Wielebinski, to approve the NCC Escrow Release No. 1 for \$1,554,465.20 leaving a total of \$336,994.00 remaining. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

Camelback Escrow Release - M. Ambrose recommended the release in the amount of \$117,723.00, as per T&M Associates' letter dated 02/13/2015. J. Lastowski made a motion, seconded by P. Nish, to approve the Camelback Parking Lot Escrow Release in the amount of \$117,723.00. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

Township Solicitor Leo DeVito:

Marchenko Appeal - L. DeVito explained the Zoning Hearing Board held two hearings for the Marchenko property appeal. At the last hearing, one ZHB member was not in attendance; the two sitting ZHB members made a motion and voted 1 to 1 for a tie vote. The Chairperson requested the absent member to receive the transcripts and a third meeting was scheduled. L. DeVito stated in his opinion, once the motion had been made and the vote taken, the hearing was concluded. A tie vote went in the favor of the Township. He spoke to Todd Weitzmann, ZHB Solicitor, to discuss the issue.

L. DeVito suggested the alternate ZHB members attend all hearing so the alternate member can 'jump in', in the case of an absent member. Art Berry, Executive Committee of the Pocono Mountain Visitor's Bureau, noted it is a question before PMVB and the County Tax Collector that short term rentals are required to pay taxes. It is a wide spread problem throughout the County and he recommended the Township inform all persons with short term rentals to contact the Pocono Mountain Business Bureau so they can notify the County Tax Collector to register them for tax purposes.

L. DeVito, Twp. Solicitor, noted the recent contract between Keystone Business Products exceed the amount required for public bidding. Process dictates the contract is to be rescinded. T. Felver made a motion, seconded by R. Wielebinski, to rescind the Keystone Business Contract - approved by Resolution 2015-16 and authorize the bidding of contract if needed. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

Township Treasurer Gina Zuvich- absent - G. Schuster noted the report was in order.

PRESENTATIONS

Camelback Request for Occupancy Permit - L. DeVito, Twp. Solicitor, explained he was informed that EPT Ski properties, Inc. requested action be tabled until they reviewed the agreements.

J. Lastowski made a motion, seconded by T. Felver, to table Camelback Lodge and Waterpark preliminary/Final Land Development Amendment to the Development Agreement and Indemnification Agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

Art Berry, explained the EPT Ski properties, Inc. is the investment group that owns the property and Camelback leases the business for 45 years.

Donaldson Lot Merger - The applicant requested the plan be tabled. A time extension letter has been received for 60 days. 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; and P. Nish, yes. Motion carried.

ORDINANCE

Ordinance 2015-03 -Guaranteed sewer revenue note in the amount of \$4,350,000.00. G. Schuster, Twp. Manager, noted the change in the amount reflected the decrease in savings due to the amount necessary to pay off the existing bank loan. R. Wielebinski opened the hearing. Hearing no comment, he closed the hearing. R. Wielebinski made a motion, seconded by T. Felver, to adopt Ordinance 2015-03 - Guaranteed Sewer Revenue Note in the amount of \$4,350,000.00. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

ORDINANCES CONT:

Ordinance 2015-04 - revising the current PJJWA mandatory connection ordinance - L. DeVito, Twp. Solicitor, noted the proposed Ordinance is to replace rescinded Ordinance 2013-03 which had reduced the water service area. R. Wielebinski opened the hearing. Hearing no comment, he closed the hearing. J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Ordinance 2015-04 revising the current PJJWA mandatory connection ordinance. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

Ordinance 2015-05 - designating the Township Auditor as appointed and not elected - R. Wielebinski opened the hearing. Debby Johnson, Twp. resident, questioned why the Township needed an appointed auditor instead of an elected auditor. L. DeVito, Twp. Solicitor, noted the change to an appointed auditor assures the Township that a qualified CPA is used. T. Felver noted that the Township is required to use Certified Public Accountants for audits. The elected auditors were for setting the salaries of the Supervisors of a 2nd class Township. T. Felver requested the auditor be appointed before the start of the year. L. DeVito, Twp. Solicitor, noted T. Felver was correct that the auditor should be appointed before the end of the year. Hearing no comment, he closed the hearing. R. Wielebinski made a motion, seconded by T. Felver, to adopt Ordinance 2015-05 designating the Township Auditor as appointed and not elected. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

Debby Johnson questioned if the auditor could be someone local, instead of out of state. T. Felver explained the Township will send out (RFPs) Request for Proposals and cannot disqualify a company due to location.

RESOLUTIONS:

Resolution 2015-19 - Accepting the H2O Audit. R. Wielebinski made a motion, seconded by T. Felver, to adopt Resolution 2015-19, accepting the H2O audit. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

Resolution 2015-20 - approving the agreement with BIU for Building Inspection Services - G. Schuster, Twp. Manager, noted it is to update their existing agreement. R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2015-20 approving the agreement with BIU for Building Inspection Services. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

Resolution 2015-21- approving the agreement with Julian Kirk for the 2014 Audit of Township records. R. Wielebinski made a motion, seconded by P. Nish, to adopt Resolution 2015-21 approving the agreement with Julian Kirk for the 2014 Audit Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and P. Nish, yes. Motion carried.

PUBLIC COMMENT:

Judi Coover, Twp. resident, asked the salary and qualifications of the new Public Works Director Jeff Clapper. R. Wielebinski stated his salary was set at \$78,000.00 with benefits, his qualifications include Sewer system maintenance, Municipal government, road maintenance, park and recreation, budget preparation, etc. He previously worked as a Public Works Director in various areas for over 30 years.

ADJOURNMENT:

R. Wielebinski_ made a motion, seconded by T. Felver, to adjourn the meeting into executive session to discuss a litigation matter at 8:40 p.m., until 03/02/2015 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; and P. Nish, yes. Motion carried.

Respectfully submitted
Pamela Finkbeiner
Township Secretary