

POCONO TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING

MARCH 16th, 2015 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 03/16/2015 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; Mark Ambrose, T&M Associates, Twp. Engineer; Gregg Schuster, Twp. Manager; Gina Zuvich, Treasurer; and Pamela Finkbeiner, Secretary were present.

ANNOUNCEMENTS:

- a) Agenda and meeting packet, excluding personal or confidential information, shall be posted on the Township website.
- b) The Board will adjourn into Executive Session after the meeting to discuss a sewer litigation matter.

MINUTES:

T. Felver made a motion, seconded by R. Wielebinski, to approve the minutes of the Commissioners regular meeting of 03/02/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

P. Nish made a motion, seconded by J. Lastowski, to approve the minutes of the Commissioners Special meeting of 03/05/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS:

J. Lastowski made a motion, seconded by P. Nish, to approve the Check Listing, dated 03/16/2015 (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 03/16/2015 (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: R. Wielebinski noted the Board will act on Resolution 2015-23.

R. Wielebinski made a motion, seconded by T. Felver, to approve Resolution 2015-23 - Recognizing Eric Ly, as the 66th Eagle Scout from Troop #85. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried. R. Wielebinski read the Resolution and presented Eric Ly with a signed copy. The Board and audience applauded his achievement.

PUBLIC COMMENT:

Carol Wise, Twp. resident, spoke concerning the sewer odor problems in her home. She noted the Township's insurance company denied the claim. They incurred costs of \$18,000.00 to hookup and additional \$10,000.00 to install a p-trap and redo plumbing under their floors, repair the floors, and clean up the damage done to the inside of their home. She read the Insurance Company's response considering the denial. She noted other properties have complained to the Township. G. Schuster, Twp. manager, stated he had not received any complaints.

T. Felver noted the Board did not discuss the matter concerning the Insurance claim.

Carol Wise submitted the invoices to the Board for their consideration of repayment.

Brad Wise noted their kitchen and downstairs bathroom had been unusable since February 6th, 2015.

J. Lastowski stated once Kalahari comes on line the increase in flows and the hump is repaired it may eliminate the odor problem.

Vincent Trapasso, Twp. resident and business owner, noted concerns with hooking up to the system.

J. Lastowski noted the 537 Plan is being changed to include p-traps for lateral connections.

Dan Snyder, Twp. resident, spoke concerning his cost for hooking up to the system. He noted his lateral was located under the roadway and it cost an additional \$1,900.00 to connect. He requested reimbursement for the \$1,900.00 cost for the additional work to connect to the sewer system.

J. Lastowski stated the sewer committee is aware of problems with lateral placements and they are working to address those problems.

REPORT OF THE PRESIDENT: No comment.

COMMISSIONERS' COMMENTS:

Gerald Lastowski, Vice President, noted the HJP Board met last week but did not have a quorum.

A meeting will be held representative from Senator Casey's office to discuss aid for low income property owners who are in the sewer connection area.

Tom Felver, Commissioner, no comment.

Peter Nish, Commissioner, no comment.

Brad Wise, Commissioner, no comment.

REPORTS:

Emergency Services

Pocono Township Police Chief Kent Werkheiser - absent. R. Wielebinski read his report.

Pocono Township Volunteer Fire Company Chief Mike Shay, absent.

REPORTS CONT:

Central Pocono Ambulance Association Manager Linda Smith noted she would submit her report to the Township once available.

ADMINISTRATION:

Township Manager, Gregg Schuster presented his report. He noted a meeting with the Public Works Director, Jeff Clapper, PennDOT, and Northampton Community College to discuss improvements to the intersection of Rt. 715 and Warner Road. PennDOT is recommending at left turn lane on NCC Drive and Warner Road. B. Wise spoke concerning proposed concept of off ramps on Warner Road. He suggested it may be a viable concept to help traffic problems on Rt. 80.

- a) DCED Review - G. Schuster contacted DCED to do a review of the Police Department. He requested the Board's direction. R. Wielebinski suggested a special meeting to be held with DCED for discussion. G. Schuster will set up the meeting.

Township Engineer, Mark Ambrose,

- a) Stadden Road Bridge Bids - M. Ambrose noted T&M Associates reviewed the bids. 12 bids were received. E.F. Possinger was the low bid at \$58,398.00. He noted T&M Associates in their letter of 03/09/2015 recommended disqualifying E.F. Possinger since they did not provide sufficient documentation. T&M Associates recommended the Bid be awarded to T. Brennan in the amount of \$67,200.00.

J. Lastowski made a motion, seconded by R. Wielebinski, to award the bid to T. Brennan as per the recommendation of T&M Associates letter of 03/09/2015 for the amount of \$67,200.00 for the repair of Stadden Road Bridge. Judi Coover, Twp. resident, questioned if the bid was clear on the requirements. L. DeVito, Twp. Solicitor, noted the low bidder did not meet the requirements of the bid. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Township Solicitor, Leo DeVito,

- a) Stadden Road Bridge Construction Easement Condemnation - L. DeVito noted the Township has received two of the three temporary construction easements needed. The third property owner has been contacted but has not agreed to the easement. Discussion followed. P. Nish requested a certified letter be sent to the property owner noting the safety issues with the bridge, steps necessary to complete the repair, and the need to fix the bridge in a timely manner.

B. Wise made a motion, seconded by T. Felver, to authorize the Township Solicitor, to pursue the condemnation of the Leo and Patricia Williams property for a Temporary Construction easement for the Stadden Road Bridge repair. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Diane Zweifel questioned the time involved for the condemnation.

Lonnie Moreno, Twp. Resident, questioned size of easement requested. L. DeVito noted the temporary construction easement is 68' by 180'.

a) Flowerfield Motel ZHB Appeal - L. DeVito, Twp. Solicitor, noted he had reviewed the notice of the variance request to install a digital sign at the existing sign location. The sign was sent a Notice of Violation to remove the sign on 05/21/2014 by former Zoning officer Michael Tripus. A new sign permit application was submitted on 06/20/2014 but no action was taken. Carl Fregoni, Zoning Officer, renewed the Notice of Violation 02/23/2015 which is being appealed by the applicant Flowerfield Motel LLC. The sign was abandoned over ten years ago. G. Schuster noted there were two issues: 1) the Notice of Violation and 2) the variance request for a larger sign.

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor to represent the Township Zoning Officer, Carl Fregoni, concerning the Notice of Violation to remove the sign at the Zoning Hearing Board variance request for Flowerfield Motel LLC. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Township Treasurer Gina Zuvich presented her February report to the board. She noted revenues will go up in March and April with the real estate taxes. Discussion followed on supplemental appropriations. G. Schuster noted that snow removal costs were high but not over budget. T. Felver noted the increase in the Earned Income Tax as it reflected job growth for the Township.

PRESENTATIONS:

a) Strubert Lot Line Adjustment- Resolution 2015-25 Michael Gazza, Attorney, represented the plan and explained the variance was approved by the zoning hearing board. M. Gazza requested additional time since approval by the sewer committee is needed for the lateral placement. B. Wise made a motion, seconded by R. Wielebinski, to adopt Resolution 2015-25 conditioned upon the sewer committee's approval of the lateral placement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

b) Donaldson Lot Line Adjustment - P. Finkbeiner, Twp. Secretary, noted a 60 day time extension was received. R. Wielebinski made a motion, seconded by T. Felver, to table the Donaldson Lot Line Adjustment Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

c) Mae Makarevich Lot Combination - Administrative Review and Acceptance as per T&M Associates letter of 03/03/2015. J. Lastowski made a motion, seconded by T. Felver, to accept the Mae Makarevich Lot Combination Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

ORDINANCES:

Sign Ordinance - Vincent Trapasso commented on: 1) requirement to turn off lights at 10 p.m. 2) Plaza signage restriction of 150'; 3) Existing signage non-conforming requirements for future right-of-way; and 4) 90 second time change for Electronic signage.

J. Lastowski noted he felt the 90/60 second time was too restrictive. Ralph Materiga and Marc Wolfe, Solicitors, requested additional time to review the ordinance as it will impact the Hospital plans.

J. Lastowski suggested the Sign Ordinance be sent back to the Planning Commission. P. Nish suggested reviewing the comments and sending only those areas of discussion back to the Planning Commission.

L. DeVito, Twp. Solicitor, noted three areas of concern: 1) Time lights should be turned off; 2) Message timing for electronic signage; 3) Industrial signs for Medical use.

G. Schuster, Twp. Manager, suggested taking an additional few weeks for comments and then scheduling a public meeting with all concerned parties. Lois Arciszewski, Adams Outdoor Advertising requested additional time for comments.

Judi Coover, Twp. Resident, requested Political signs be removed since it is unenforceable.

Bob Phillips, Chamber of Commerce, offered assistance with the draft signage ordinance.

R. Wielebinski stated all comments should be sent in writing to G. Schuster by 04/30/2015. Once comments are received the Board will hold a special meeting to discuss any changes.

RESOLUTIONS:

Resolution 2015-23 - P. Nish made a motion, seconded by J. Lastowski, to adopt Resolution 2015-23 - recognizing Daniel Thomas Christenson for his outstanding achievement of reaching the rank of Eagle Scout from Troop #85. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

Resolution 2015-26 - P. Nish made a motion, seconded by T. Felver, to adopt Resolution 2015-26 extending a conditional offer of employment to Michael Scicutella as a Pocono Township Police Patrolman , Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

Resolution 2015-27 - J. Lastowski made a motion, seconded by P. Nish, appointing Dennis Purcell as a member of the Planning Commission for a vacant four (4) year term, which commenced on January 1, 2012 and terminates on December 31, 2015. - Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

Resolution 2015-28 - T. Felver made a motion, seconded by P. Nish, appointing Jerrod Belvin as an alternate member of the Civil Service Commission for a vacant six (6) year term, which commenced on January 1, 2014 and terminates on December 31, 2019. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

RESOLUTIONS CONT:

Resolution 2015-29 - P. Nish made a motion, seconded by T. Felver, appointing Mary Riley Frantz as a member of the Recreation Committee for a vacant five (5) year term, which commenced on January 1, 2011 and terminates on December 31, 2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

T. Felver asked Anthony Farda, Twp. resident, if he would be willing to serve on the Bicentennial Celebration Committee. Anthony Farda agreed to serve on the Committee.

Resolution 2015-30 - T. Felver made a motion, seconded by R. Wielebinski, to adopt Resolution 2015-30 approving the appointments of Charlie Trapasso, Denise Herbert, Lonnie Moreno, Alyssa Toye, and Anthony Farda to the Bicentennial Celebration Committee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

PUBLIC COMMENT:

ADJOURNMENT INTO EXECUTIVE SESSION: R. Wielebinski made a motion, seconded by P. Nish, to adjourn the meeting at 8:55 p.m., until 04/06/2015 at 7:00 p.m. at the Pocono Township Municipal Building. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; B. Wise, yes; and P. Nish, yes. Motion carried.

Respectfully submitted
Pamela Finkbeiner
Township Secretary