

POCONO TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING

MAY 4th, 2015 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 05/04/2015 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.

SWEARING IN CEREMONY:

R. Wielebinski swore in and welcomed Pocono Township new Patrolman, Michael Sicutella.

ANNOUNCEMENTS:

A Special Board of Commissioners meeting will be held on May 14th, 2015 to have discussion with the Monroe County Planning Commission at 5:30 p.m. and to conduct a hearing on the Kopelson PRD at 6:30 p.m.

MINUTES:

P. Nish made a motion, seconded by J. Lastowski, to approve the 04/07/2015 Special meeting minutes. T. Felver noted the minutes incorrectly marked him as present. P. Nish amended his motion, T. Felver seconded, to approve the corrected 04/07/2015 Special Meeting minutes. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

T. Felver made a motion, seconded by P. Nish, to approve the 04/20/2015 regular meeting minutes. 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 B. Wise, to approve the 04/21/2015 Special meeting minutes. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, abstained; P. Nish, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS:

R. Wielebinski made a motion, seconded by B. Wise, to approve the Bill's listing of 05/04/2015. T. Felver questioned is the 2nd Quarter HJP contribution cost was as per the contract. G. Schuster will investigate. R. Wielebinski amended his motion, seconded by T. Felver, to approve the 05/04/2015 Bill's list and transfer excluding the HJP contribution of \$18,295.52 Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

AMENDMENT TO THE AGENDA: none

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PUBLIC COMMENT:

Michelle Fisk, Township resident, acknowledged the litter cleanup on Cherry Lane Road. T. Felver noted the Lion's Club cleanup of Rt. 611 and the Public Works Department's cleanup of Cranberry Road.

Randy Peechakta, Twp. resident, questioned the status of the New Jersey Boom property. L. DeVito, Twp. solicitor, has spoken to the Zoning officer, Carl Fregoni concerning the complaint.

Judi Coover, Twp. resident, asked if the Capital Improvement Plan meeting would be open to the public. Jeff Clapper, Public Works Director, noted the meeting date for the workshop is June 8th, 2015 at 1:30 p.m. and the public can attend.

REPORT OF THE PRESIDENT: Richard Wielebinski, President, noted the Township met with DCED's Ron Stern to review the Pocono Township's Police Department. The Board approved the study at an estimate of four to five months to complete.

COMMISSIONER'S REPORTS:

Jerry Lastowski, Vice President, spoke concerning assistance for sewer hookups. 1st Keystone offered a no-fee, low interest loan for sewer hookups; the County Redevelopment offers some assistance; and Rural Development Authority's 504 program offers loans and grants to low-income families. G. Schuster will make the information available to residents in need.

Tom Felver, Commissioner, no comment.

Peter Nish, Commissioner, questioned the two sided billboard on Rt. 611 advertising businesses that are out of business.

'Second in Command' - P. Nish questioned who will be in charge if the Township Manager is not present. L. DeVito, Twp. Solicitor, noted it is a policy decision for the Board. R. Wielebinski suggested the Police Chief or Public Works Director. P. Nish requested G. Schuster recommend a person to be second in charge, during his absence.

Brad Wise, Commissioner, expressed his dismay that Camelback opened for a media day without Township permission. R. Wielebinski and P. Nish concurred. G. Schuster noted Arthur Berry was to attend the meeting but did not attend.

REPORTS:

ADMINISTRATION

Gregg Schuster, Township Manager, presented his report.

- a. Draft Zoning Officer job description -T. Felver questioned the enforcement description in the draft. Discuss followed concerning additional duties.

Judi Coover, Twp. resident, requested the Job Description to be approved before hiring.

Diane Zweifel, Twp. resident, questioned hourly rate.

ADMINISTRATION CONT:

- b. Line Painting - G. Schuster reviewed the Memo from Jeff Clapper, Public Works Director. Discussion on roadways and additional work.
- c. Bicentennial Celebration Committee Member - G. Schuster noted an appointed member has not attended the meetings. He requested the Board's approval to remove the member. No action is taken.
- d. Northampton Community College Proposal for Recreation Services - Dee Raneri, NCC, spoke concerning the youth programs proposal for services offered by NCC. The MOU is for a pilot program including Tennis, Soccer, and Basketball programs. Discussion followed. R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Memorandum of Understanding with Northampton Community College for the purpose of partnering with Pocono Township to provide Recreational programming. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

B. Wise questioned 1) the Sign Ordinance Comments - G. Schuster noted they will be compiled and sent out this week. 2) Alger Ave. houses Demo Bid - J. Clapper noted the project is currently out to bid with a Bid opening of May 12th, 2015.

Tim Edinger, Township Engineer, reported the Kopelson projects have been active, Wendy's has submitted revised plans, and Kalahari project should be completed in three weeks.

R. Wielebinski questioned the PPL Cleanup of trees along Rt. 314.

B. Wise questioned the Meter installations. Mark Ambrose, Twp. Engineer reviewed the meter installation.

T. Felver questioned the Rt.314 road opening. Steve Pines, Kalahari Resorts, noted the scheduled date for reopening is June 1st, 2015.

B. Wise commented on the Spirit of Swiftwater Apartment construction work.

T. Edinger noted they are working with the Developer to resolve the issues.

Leo DeVito, Township Solicitor

- a. Smoking Ban on Township properties - L. DeVito, Twp. Solicitor, reviewed the aspects of a smoking ban. Discussion followed as to include all tobacco products and e-cigarettes; enforcements and the fines. Charlie Trapasso, Recreation committee, noted it is need at Mt. View Park. R. Wielebinski made a motion, seconded by T. Felver, to authorize the Twp. Solicitor to draft a no smoking ban of all tobacco products Ordinance for all Township properties including public vehicles. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, abstained. Motion carried.
- b. Sewer line bid - L. DeVito explained there is a \$196,000.00 retainage remaining in the PennVEST grant. R. Wielebinski made a motion, seconded

by T. Felver, to approving the preparation of PennVEST Payment Request #9 to formally terminate Contract #6 on the PennVEST disbursement

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SEWER LINE BID CONT:

System to allow the return of funds held on retainage to contingencies and to authorize the Township Treasurer to do the necessary steps to do so. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

L. DeVito noted PennVEST requested the Township to place the cost analysis of sewerline repair contract be placed on their website. Discussion followed concerning the Bid award.

J. Lastowski made a motion, seconded by B. Wise, to award the bid for the Sewerline Repair to Marona Construction Company in the amount of \$2,625,000.00, conditioned upon PennVEST approval. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

M. Ambrose, Twp. engineer noted the project could start within 4 to 5 weeks. Discussion followed on date of completion.

Robert Fisk, Twp. resident, questioned the amount of time Learn Road will be closed.

Gina Zuvich, Township Treasurer, absent.

PRESENTATIONS:

Bosc Lot Combination Plan - Plan fees paid. Escrow Fee paid. T. Edinger, Twp. Engineer noted the plan is for the consolidation of three existing lots of record. R. Wielebinski made a motion, seconded by T. Felver, to accept the Bosc Lot Combination Plan for review. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

ORDINANCES:

Ordinance 2015-06 - 300' Buffer for mandatory sewer connections. L. DeVito, Twp. Solicitor, explained the Ordinance requirements. R. Wielebinski opened the hearing for comments. Since no comments were heard, he closed the Hearing. J. Lastowski made a motion, seconded by B. Wise, to adopt Ordinance 2015-06 - 300' Buffer for mandatory sewer connections. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; P. Nish, yes; and B. Wise, yes. Motion carried.

Ordinance 2015-07 - Intergovernmental agreement with Tobyhanna Township for sewer collection services. R. Wielebinski opened the hearing for comments. Since no comments were heard, he closed the Hearing. J. Lastowski made a motion, seconded by B. Wise, to adopt Ordinance 2015-07 - Intergovernmental Agreement with Tobyhanna Township for sewer collection services. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, abstained; P. Nish, yes; and B. Wise, yes. Motion carried.

T. Felver abstained since the future projects at Pocono Manor have not been officially submitted to the Township.

RESOLUTIONS

Resolution 2015-39 - Approving Traffic Signals associated with the SR611 Safety Improvement project. T. Edinger, Twp. Engineer, explained the signal will be installed by PennDOT at the intersection of Brookdale Road and Rt. 611 as part of the improvements to Rt. 611. Discussion followed. J. Lastowski made a motion, seconded by B. Wise, to adopt Resolution 2015-39 - Traffic Signals associated with SR611 Safety Improvement Project. Roll call vote: R. Wielebinski, no; J. Lastowski, yes; T. Felver, yes; P. Nish, no; and B. Wise, yes. Motion carried.

Resolution 2015-40 - Approving an agreement with EEMA to operate the sewer collection system. Judi Coover, Twp. resident, questioned if additional quotes were received and purchasing policy for the Township. T. Felver requested the Board consider a Request for Proposals for the project due to the cost of the contract. B. Wise explained the Sewer committee recommended the EEMA after finding they met the criteria for services needed, interviewing the company, and the recommendation of the Township engineer. J. Clapper noted the Township is required to hire an Operator for the sewer system to oversee the maintenance and repairs, emergency location, PA One Calls, etc. J. Coover requested it be noted in the minutes that it was not bid. L. DeVito, Twp. Solicitor, stated it was an agreement for professional services which does not require bidding. He did note the Township may solicit Requests for Proposals for contracts. Discussion followed on a purchasing policy.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the agreement with EEMA to operate the sewer collection system in the amount of \$5,350.00 Basic Service Monthly fee and costs as per Exhibit C of contract. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-41 - Agreement with Adams Advertising. G. Schuster explained it renews the existing agreement.

R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2015-41 - agreement with Adams Advertising. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

PUBLIC COMMENTS:

Jane Cilurso, Twp. resident, questioned the burn ban.

ADJOURNMENT INTO EXECUTIVE SESSION: R. Wielebinski made a motion, seconded by T. Felver, to adjourn the meeting into executive session to discuss sewer litigation and a land acquisition at 9:35 p.m. until 05/18/2015 at 7:00 p.m., at the Pocono Township Municipal Building, Tannersville, PA. 18372. 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