

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING

NOVEMBER 17, 2014 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 11/17/2014, 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; and Brad Wise, present. Appointed Commissioner Peter Nish in attendance.

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

ANNOUNCEMENTS:

Board of Commissioners Meeting will meet on Tuesday, 11/25/2014 at 4:30 PM to discuss the 2015 budget.

The 12/1/14 Board of Commissioners Meeting has been moved to Tuesday, 12/2/14 at 7:00 PM due to a holiday.

MINUTES:

R. Wielebinski made a motion, seconded by T. Felver, to approve the minutes of the Commissioners regular meeting of 11/03/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

R. Wielebinski made a motion, seconded by T. Felver, to approve the minutes of the Commissioners Special meeting of 11/5/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by T. Felver, to approve the minutes of the Commissioners regular meeting of 11/12/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS

B. Wise made a motion, seconded by T. Felver, to approve the Check Listing, dated 11/17/2014 (excepting all tele-communication bills) Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by T. Felver, to approve the Check Listing, dated 11/03/2014 (tele-communication bills). Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

AMENDMENTS TO THE AGENDA: None

PUBLIC COMMENTS: Judi Coover, Twp. resident, requested a copy of the Bills list.

Maxine Turboski, Twp. resident, asked the status of Brookdale Resort. T. Edinger, Twp. Engineer, noted he met with the developers but a plan has not been submitted to the Township.

REPORT OF THE PRESIDENT: None

Commissioners Reports:

Gerald Lastowski, Vice President -

A) HJP Park Board Meeting of 11/13/2014 - J. Lastowski requested the intergovernmental agreement to be reopened and reviewed. The agreement cannot be revised by the 12/31/14 deadline. J. Lastowski recommended the board withdraw from the HJP Agreement. J. Lastowski made a motion, seconded by T. Felver, to give a one (1) year notice to withdraw from the HJP Intergovernmental Agreement. If a new agreement is negotiated by the end of the first quarter of 2015, Pocono Township will rescind the notice to withdraw. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

B) At the 11/13/2014 Sewer Committee meeting with Tobyhanna Township, they requested to connect to Pump Station #1. Several options were discussed. Tobyhanna Township would like to connect directly to Pump Station #1 without easements.

Thomas Felver, Commissioner: No report

Bradley Wise, Commissioner: Items to be covered in Twp. Manager's report.

OATH OF OFFICE

District Justice Thomas Olsen issued the Oath of Office to newly appointed Commissioner Peter Nish.

REPORTS

Emergency Services:

Pocono Township Chief of Police, Kent Werkheiser was absent.

Pocono Township Volunteer Fire Co. Captain Mike Shay, reported 26 call outs for September and 43 call outs for October.

Central Pocono Ambulance Association, Inc., Manager, Linda Smith reported 219 calls for October. 143 children attended the Halloween Party and she thanked the Fire Company for providing the Fire Truck rides.

REPORTS CONT:**ADMINISTRATION**

Township Manager Gregg Schuster:

- A. Kalahari/Tobyhanna request for design modification to come in directly to Pump Station #1. T. Edinger, Twp. Engineer, noted it is only for the Phase 1 portion of the project.
R. Wielebinski made a motion, seconded by J. Lastowski, to approve move forward with the Tobyhanna Township's plans for hooking up to Pump Station #1 conditioned upon a formal agreement to be completed.
Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Township Engineer Tim Edinger

- A. Learn Road project is being coordinated with Twp. Foreman Ed Getz to start construction.
- B. Revised Wilkie Road Applications is being sent to the Monroe County Conservation District.
- C. Stadden Road meeting with adjoining property owners for temporary construction easements. He requested a Board member to attend.

Township Solicitor Leo DeVito

- A. Possinger Sign Variance hearing is scheduled to 11/19/2014 at 5:30 p.m.
- B. Planning Commission's review of zoning appeal applications -
L. DeVito requested the Commissioner's guidance to set policy on ZHB reviews of application. The ZHB had requested the Planning Commission to review all applications. L. DeVito noted only Special Exceptions and Conditional Use applications were required to be sent to the Planning Commission. T. Edinger noted it increased the cost to the Township since ZHB variances did not allow for engineer or legal costs to be recouped by the Township. L. DeVito noted it may cause a conflict between boards. The Commission concurred to leave the process as is.

Township Treasurer Gina Zuvich reported on the Treasurer's report for October.

PRESENTATIONS

Donaldson Lot Line Consolidation Plan - \$300.00 plan fee paid. Professional Service Agreement and \$1,500.00 escrow fee paid. Monroe County Planning Commission review letter of 09/17/2014 received. T&M Associates' letter of acceptance dated 10/06/2014 received. Richard Storm, PLS, represented the Plan. The plan is for three lots to be combined. The existing trailer will be removed. The Deed for the roadway will be submitted. T. Edinger, Twp. Engineer, explained it was before the Commissioners to accept the plan as per Ordinance 121. Once accepted it will be sent to Township staff for review. The plan is small lots of record which fall under section 502.D - merger of non-conforming lots and

DONALDSON CONT:

must meet the setbacks of Section 502.C. B. Wise questioned the ownership of the existing Trailer. D. Storm noted the owner is unknown.

R. Wielebinski made a motion, seconded by T. Felver, to accept the Donaldson Lot Line Consolidation Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Camelback Tubing Slope Stormwater Plan and Modification Requests -\$300.00 Stormwater review fee paid. Monroe County Planning Commission review letter dated 11/03/2014 received. T&M Associates review letter dated 10/29/2014 received. Nate Oiler, RKR Hess Associates, represented the Plan. The plan is for a 212 parking lot to be built along Camelback Road. R. Wielebinski recused himself from voting as he is a part-time employee of Camelback.

SWM Article III Section 303.I.6 - 50' wetland buffer - N. Oiler noted the applicant is requesting relief from the 50' wetland buffer to 25' for a portion of the required buffer. The wetland area is an isolated wetland that does not connect to other wetlands or streams. T. Felver questioned the maintenance of the proposed swale. T. Edinger noted the SWM plan requires maintenance of stormwater controls. Wise made a motion, seconded by J. Lastowski, to approve the RFM for SWM Article III Sec. 303.I.6. Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

SWM Section 306.5 - rainfall depths - T. Edinger, Twp. Engineer recommended the request. J. Lastowski made a motion, seconded by B. Wise, to approve the RFM for SWM Section 306.5 - rainfall depths. Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

SWM Section 403.B.14 - Total tract boundary - N. Oiler noted the site is over 500 acres which would make the plan too small to show the details. B. Wise made a motion, seconded by T. Felver, to approve the RFM for SWM Sec. 403.B.14 - Total tract boundary. Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

SWM Section 701.B - Performance guarantee - J. Lastowski stated he was not in favor of granting the RFM. Discussion followed. J. Lastowski made a motion, seconded by P. Nish, to deny the RFM from SWM Section 701.B. Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Spirit of Swiftwater Request for Modifications:

Anthony Maula, Developer represented the RFM requests.

Spirit of Swiftwater Modification Requests

SALDO Section 3.603.E.4 - Monument to be set - B. Wise made a motion, seconded by T. Felver, to approve the RFM from SALDO Section 3.603.E.4. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

SALDO Section 3.210.G - Wetlands - R. Wielebinski made a motion, seconded by T. Felver, to approve the RFM from SALDO Section 3.210.G - Wetlands to use silt fence. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

ORDINANCES

Intermunicipal Liquor License Transfer - L. DeVito, Twp. Solicitor, noted the transfer is between two Municipalities and requires an Ordinance to approve.

R. Wielebinski made a motion, seconded by T. Felver, to authorize the Twp. Solicitor to advertise for a Public Hearing an Ordinance 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 2014-64 - approving supplemental appropriations - G. Schuster, Twp. Manager, reviewed the appropriations. R. Wielebinski made a motion, seconded by J. Lastowski, to approve Resolution 2014-64 - supplemental appropriations to the 2014 budget. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2014-65 - approving a Cost Sharing Offer Letter for the PennDOT 611 Safety Improvements Project - J. Lastowski made a motion, seconded by R. Wielebinski, to approve Resolution 2014-65 - Cost Sharing Offer letter for the PennDOT Safety Improvements Project. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, No; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2014-XX - approving an agreement with Dave Manter for SEO services - L. DeVito, Twp. Solicitor, noted he needed more time to review the agreement. No action taken.

Resolution 2014-66 - approving an agreement with Julian Kirk for auditing services - G. Schuster, Twp. Manager, explained the Audit is a requirement of the H2O grant. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

PUBLIC COMMENT

J. Lastowski questioned the busses and trailers parked on the TLC property. G. Schuster, Twp. manager, noted there is no basis for the Township to remove the vehicles. Shawn Goucher, Pocono Township Police Sargent stated as long as the property is posted, they can be fined. P. Nish asked if the Crossings had asked permission to use the property for bus parking.

G. Schuster requested direction from the Board.

The board concurred to prohibit buses and tractor trailers for overnight parking. L. DeVito, Twp. Solicitor, will review the Township options.

COMMENTS CONT:

Civil Service Commission Vacancy - P. Nish has resigned from his position on the Civil Service Commission to accept the position of Township Commissioner. J. Lastowski recommended Rolland Cheeseman, an alternate on the Civil Service Commission to serve as a full member of the Commission. P. Nish noted that R. Cheeseman has attended all the meetings as alternate and his dedication and loyalty were commendable. T. Felver questioned the policy to interview all candidates for all positions. J. Lastowski noted R. Cheeseman was interviewed for the position of alternate. J. Lastowski made a motion, seconded by R. Wielebinski, to appoint Rolland Cheeseman III to the Pocono Township Civil Service Commission. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; P. Nish, yes; and B. Wise, no. Motion carried.

Policy for appointments - R. Wielebinski made a motion, seconded by J. Lastowski, to allow active alternates whom serve on a present board to be promoted without an interview. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; P. Nish, yes; and B. Wise, yes. Motion carried.

ADJOURNMENT

R. Wielebinski made a motion, seconded by P. Nish, to adjourn the meeting until 12/02/2014 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; P. Nish, yes; and B. Wise, yes. Motion carried.

Respectfully submitted
Pamela Finkbeiner
Secretary