

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING

DECEMBER 15th, 2014 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 12/15/2014, 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; Gina Zuvich, Twp. Treasurer; and Pamela Finkbeiner, Secretary were present.

ANNOUNCEMENTS:

- a) There will be a special meeting on Monday, December 29, 2014 at 4:30 p.m. to take final action on the proposed 2015 budget and have a presentation from Attorney Timothy McManus on the Act 537 plan.
- b) Executive session was held at 6:00 p.m. to discuss personnel matters and sewer litigation.

MINUTES:

T. Felver made a motion, seconded by P. Nish, to approve the minutes of the Commissioners regular meeting of 12/02/2014. 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 J. Lastowski, to approve the Check Listing, dated 12/15/2014 (excepting all tele-communication bills) Discussion followed on the legality of issuing a prior year tax refund to the Solicitor instead of the property owner. T. Felver suggested the motion to be amended to clarify the payment.

T. Felver made a motion, seconded by R. Wielebinski, to amend the motion to include the condition that the Township Solicitor will confirm check No. 52706 to Biernacki & Associates in the amount of \$24,041.36 is acceptable to pay directly to the Solicitor instead of the property owner of record. Roll call vote: Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Roll call vote: Approval of Check Listing, dated 12/15/2014 (excepting all tele-communication bills) as amended. 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 T. Felver, to approve the Check Listing, dated 12/15/2014 (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: None

PUBLIC COMMENT: None

REPORT OF THE PRESIDENT: None

COMMISSIONERS COMMENTS:

Gerald Lastowski, Vice President: None

Thomas Felver, Commissioner: None

Peter Nish, Commissioner: Welcomed Jake Singer, resident, back to the meetings.

Bradley Wise, Commissioner: None

REPORTS:

Emergency Services (second meeting of month)

Pocono Township Police Chief Kent Werkheiser: arrived late.

Pocono Township Volunteer Fire Co. Chief Mike Shay: Absent

Central Pocono Ambulance Association, Inc. Manager, Linda Smith: Absent

ADMINISTRATION:

Township Manager Gregg Schuster:

- a) Recreation Committee interview request - Charlie Trapasso asked the letter be pulled.
- b) HJP Revised Agreement Memo - G. Schuster, Twp. Manager, noted he will act as the contact for all HJP members during the discussions for amending the agreement. He recommended that two Commissioners serve and one park person.

P. Nish requested the Board withdraw from the agreement. He did not feel at this time the Township should consider another bond to build the HJP park.

T. Felver noted his concern on cost and the lack of improvements to the HJP regional park.

L. DeVito, Twp. Solicitor, stated if only Pocono Township withdraws from the agreement, Pocono Twp. will lose their investment. If additional parties withdraw, the assets will be split between the parties.

R. Wielebinski noted the Township invested into the HJP Park for 15 years ago and did not wish to lose the investment.

J. Lastowski requested the Board make a motion to withdraw. No action taken.

G. Schuster continued with the recommendations:

 - a) The Township to have the authority to remove members.
 - b) Per capita should remain.

MANAGER'S REPORT CONT:

c) Services to be tiered - should a Township request the HJP Director to manage their parks that Township should pay for the service.

d) Park Director should be evaluated by all the Townships, yearly.

e) 10% of the HJP budget to park development. Discussion followed concerning the various ways to raise funds to develop the HJP Park.

P. Nish questioned if the other Townships are not in favor of amending the agreement, will Pocono withdraw.

Harold Ernsberger, HJP Director, noted the other Townships are willing to work with Pocono to amend the agreement.

Maxine Turbolski, Twp. resident, questioned the status of Hamilton Township for contributions to HJP.

Monica Gerrity, Twp. resident, questioned the HJP master plan and cost to build out.

H. Ernsberger, stated in his opinion the estimate to build HJP Park would be approximately 10 million.

Kim Ernsberger, HJP Recreation Manager, spoke concerning Park needs.

R. Wielebinski commented on the need to provide park and recreation facilities. He noted the proposed Hospital will attract employees and the Township should encourage those employees to live within the Township by providing services that will attract them.

The Board concurred to review the remainder of the memos and send their comments to G. Schuster.

Township Engineer Tim Edinger:

a) Learn Road drainage repair was started.

b) Skim coat was completed on Rt. 314. Traffic controls should be removed soon.

c) Camelback Lodge and Waterpark Security Bond Release #3 in the amount of \$890,731.58 - T. Edinger noted the Bond was for stormwater only, not the parking lot or other elements of the plan. B. Wise asked why the parking lot was excluded as part of the stormwater. T. Edinger noted the way the MPC is set up a bond can be for any improvements. The MPC requires maintenance bonds for anything dedicated to the Township. T. Edinger noted the Board has the right to set the policy for private improvements as well as public improvements. L. DeVito, Twp. Solicitor, raised concern that by including private improvements it will raise the cost to developers. J. Lastowski made a motion, seconded by T. Felver, to approve the Camelback Lodge and Waterpark Security Bond Release #3 in the amount of \$890,731.58. The new Bond balance of \$372,612.09 will remain as security. 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:

Request from Trap Enterprises concerning the DeSaki Hotel project and the Trap Enterprises Convenience Store project to utilize former Twp. Engineer, Jon Tresslar, Boucher & James, Inc., for the construction stage - T. Felver asked if T&M would cause additional cost for construction review of the projects. T. Edinger noted that if T&M

Associates only review the Public improvements it will not increase the cost. R. Wielebinski noted BIU will do the inspections of the construction of the structures. B. Wise stated T&M is the Twp. Engineer and should do the inspections. J. Lastowski noted he did not have a problem with a developer continuing with a former Twp. Engineer to complete a project since exceptions have been made in the past. T. Edinger noted he was agreeable with a former engineer finishing up a project since change orders may arise during construction. L. DeVito, Twp. Solicitor, noted they are still working on the improvements agreement for the projects. J. Lastowski made a motion, to accept and allow Trap Enterprises' request to use Jon Tresslar as Engineer for the Trap Enterprises Convenience Store and DeSaki Hotel Project. Motion failed for lack of second.

Township Treasurer Gina Zuvich:

Treasurer's report for November - She noted Earned Income Tax and Real Estates are over budget.

J. Lastowski asked if the Hospital will be tax exempt. L. DeVito state it will as a non-profit Hospital but the retail portion will not.

T. Felver stated he is working with G. Schuster to set audit procedures with Berkheimers.

G. Zuvich noted the Township is in a good position.

PRESENTATIONS:

MCTA - Gas Line Extension - Peggy Horwarth, Monroe County Transit Authority, Executive Director, explained the progress of extending the Gas line down Rt. 611 to the Scotrun Exit. She requested the Board to supply a letter of support for MCTA's effort to obtain grants to extend the gas line. J. Lastowski raised concern due to the PennDOT improvements along Rt. 611. P. Horwarth stated she has informed PennDOT of the plan. She noted it is in the concept phase and once funding is obtained the engineering of the line will be finalized. R. Wielebinski made a motion, seconded by J. Lastowski, to approve a letter of support for MCTA's effort to obtain funding to extend the CNG Compressed Natural Gas Line down Rt. 611. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, No; P. Nish, yes; and B. Wise, yes. Motion carried.

BCRA - MCTI Water Line Extension - G. Schuster, Twp. Manager read the request. R. Wielebinski made a motion, seconded by B. Wise, to approve the Monroe County Technical Institute request to make the MCTI campus property located on Laurel Lake Road, Pocono Township, as part of the Brodhead creek regional Authority's official water service area which service area shall be subject to all applicable Township ordinances, including the Townships mandatory connection ordinance, and the Authority's rules and regulations and further contingent upon the Township adopting an ordinance so establishing the service area limited solely to the MCTI campus. The Township Solicitor is directed to work with the representatives of the Authority and the MCTI to effectuate the purpose of this motion.

BCRA - MCTI CONT:

T. Felver questioned the condemnation of properties for the waterline. P. Nish asked how many properties are involved. Discussion followed.

R. Wielebinski and B. Wise withdrew their motion due to lack of information on the property owners affected by the easements. No action taken.

Possinger Sign - G. Schuster noted the applicant has agreed to reduce the size of the sign if the Township will withdraw their objection. J. Lastowski made a motion, seconded by R. Wielebinski, to rescind the Township's objection to the Possinger Sign conditioned the applicant agrees to reduce the size of the sign and withdraw the validity challenge to the ordinance. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, No. Motion carried.

Donaldson Lot Merger - T. Edinger, Twp. Engineer, noted according to the Ordinance a lot line adjustment would come before the Commissioners. The plan calls for three lots to be combined. A time extension letter was received until 03/02/2015. R. Wielebinski stated the lot would still be non-conforming. T. Edinger noted the combination of lots would create a 'better' lot of record as long as the lot created has 100' between the septic and well. Under the ordinance they can receive a building permit if they meet all the conditions. J. Lastowski questioned if the proposed plan impacts the neighboring properties. P. Finkbeiner noted the applicant has not submitted revised plans or record of the deed for the cul-de-sac lot as per the Engineer's letter of 11/25/2014. The cul-de-sac shown on the plan has a trailer which belongs to a neighboring lot. T. Felver made a motion, seconded by P. Nish, to table the plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Hart/Harrigan Minor Subdivision - the plan was not represented. L. DeVito noted conditions set forth on the Resolution needed to be addressed. T. Edinger noted Don Pensyl, surveyor, attended the P.C. meeting and was to attend the Commissioner's meeting to address the conditions of the Resolution. B. Wise noted the e-mail from Carl Fergoni. T. Edinger noted the plan was for a lot merger and the comments from Zoning were enforcement issues not land development. He noted the Zoning officer could enforce the driveway and structure violation at any time. They are independent of the plan. P. Nish stated if they do not show up before the deadline the Board could deny the plan. R. Wielebinski made a motion, seconded by J. Lastowski, to table the Hart/Harrigan Minor Subdivision Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2014-71 - Robbin's Subdivision - Terry Martin represented the plan. T. Edinger, Twp. Engineer, explained the plan is for a minor subdivision. T. Martin noted the plan calls for a ten acre tract to be subdivided from a 68 acre tract to the adjoining property. L. DeVito spoke concerning the right-of-way easement by Deed of Dedication if the

RESOLUTION 2014-71 CONT:

Twp. wishes to acquire the easement. He noted it is a policy decision as it relates to plans moving forward. T. Martin response was to provide an 8.5' strip on either side for future road widening and not transfer the title of the lands to the Township. L. DeVito noted on future plans, a Deed of Dedication is recommended. P. Nish made a motion, seconded by T. Felver, to adopt Resolution 2014-71 - Robbin's Final Minor Subdivision Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

RESOLUTIONS:

Resolution 2014-72 - approving an agreement with Dave Manter for SEO services - T. Felver made a motion, seconded by B. Wise, to adopt Resolution 2014-72 - approving an agreement with Dave Manter for SEO services. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2014-73 - reappointing Diane Zweifel to the Zoning Hearing Board - R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2014-73 reappointing Diane Zweifel to a three (3) year term, commencing on January 1st, 2015 and terminating on December 31st, 2017. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2014-74 - reappointing Jim Olizsarowicz to the Recreation Committee - J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2014-74 reappointing Jim Olizsarowicz to the Recreation Committee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2014- 75 - approving a generator maintenance agreement - Vincent Trapasso recommended Emergency System Service Company. J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2014- generator maintenance agreement with Emergency Systems Service Company for an annual cost of \$4,190.00 for service on five (5) Generators. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2014-XX appointing the Township Manager as a liaison to Berkheimer - R. Wielebinski made a motion, seconded by P. Nish, to adopt Resolution 2014- XX appointing the Township Manager as the authorized representative to Berkheimer. T. Felver questioned if the Township Manager had a confidentiality agreement with the Township. G. Schuster noted the Right-to-Know may allow some information to be released. Discussion followed. G. Schuster requested to include the Treasurer to be included in a confidentiality agreement due to the personal nature of the Berkheimer's report. R. Wielebinski and P. Nish withdrew the motion until a confidentiality agreement can be approved for G. Schuster and Regina Zuvich.

RESOLUTIONS CONT:

Resolution 2014-76 - approving an MOU with the Police Union - Pocono Township Police Chief Kent Werkheiser explained the procedure to determine vacation and comp time has been under hire date instead of beginning of the year. The Resolution will set the same date for all police employees. P. Nish made a motion, seconded by R. Wielebinski, to adopt Resolution 2014-76 - approving an MOU with the Police Union. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

PUBLIC COMMENT: Vincent Trapasso, owner DeSaki restaurant, addressed the board concerning the request for use of Jon Tresslar, Boucher & James, Inc., to finish the construction phase of his projects. He apologized for arriving after the request was heard.

Leo DeVito, Twp. Solicitor, stated there is a question as to whether or not the MPC allows the Township to secure certain private improvements such as water and sewer laterals, parking lots, landscaping, and things of that nature. If improvements can be secured, a bond is posted, and the Twp. Engineer would inspect. The bonding will insure the improvements are made.

T. Edinger, Twp. Engineer, noted the majority of items on the projects are private and will not require inspections by the Township Engineer. For the portion that is inspected, there needs to be security to cover the inspection process. How much will it cost is based on how much the Engineer will have to inspect. T. Felver questioned the difference in cost if a new engineer has to be 'brought up to speed' on a project.

L. DeVito noted the inspection fees will be the same, what the question is will there be additional cost for a new engineer to review a plan.

V. Trapasso said Boucher & James, Inc. has been involved with the project since the beginning and the request to use Boucher & James was recommended by his Engineer and Solicitor.

T. Edinger noted he would use an inspector and if Boucher & James used a separate inspector, it would be the same since both inspectors would be seeing the plan for the first time. T. Edinger noted he did not have a problem with Boucher & James doing the work.

P. Nish questioned the public verse private inspection.

L. DeVito noted the project was different than a residential development where roads and the sewer line expansion would require inspections.

T. Edinger noted anything decided here will set the policy going forward.

T. Felver noted in his opinion he felt that there would not be additional cost and if Mr. Trapasso felt that the cost would increase he should come back to the Board at the next meeting.

V. Trapasso requested to wait until the Twp. Solicitor completed the agreement.

T. Felver noted the Board did not wish to put additional costs on to the residents. J. Lastowski noted that the motion to deny failed due to lack of second. No action was taken.

MEETING DATES:

Next regular meeting - January 5, 2015 (7:00 p.m.)

Special meeting (Budget, Act 537) - December 29, 2014 (4:30 p.m.)

Special meeting (Interviews) - January 7, 2015 (4:30 p.m.)

EXECUTIVE SESSION:

ADJOURNMENT: R. Wielebinski made a motion, seconded by T. Felver, to adjourn the meeting at 9:50 p.m., until 01/05/2014, 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