

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**REGULAR MEETING**

**APRIL 4<sup>th</sup>, 2016 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on 04/04/2016 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by Vice President Harold Werkheiser at 7:00 p.m., followed by the Pledge of Allegiance.

**ROLL CALL:** Tom Felver, absent; Harold Werkheiser, present; Jerry Lastowski, present; Robert DeYoung, present; and Judi Coover, present by phone.

Leo V. DeVito, Broughal & DeVito LLP, Solicitor, Russell Benner, T&M Associates, Engineer; Gregg Schuster, Manager; Regina Zuvich, Township Treasurer; and Pamela Finkbeiner, Twp. Secretary; were present.

**ANNOUNCEMENTS:**

Spring Cleanup will be 05/05, 05/06, and 05/07.

A Special Workshop will be held on 04/05/2016 at 5:00 p.m., to discuss proposed repairs to the sewer system.

G. Schuster requested an executive session be scheduled. The Board concurred to hold an executive session to discussion Werkheiser litigation on 04/11/2016 at 3:00 p.m.

**APPROVAL OF MINUTES:**

J. Coover made a motion, seconded by B. DeYoung, to approve the regular meeting minutes of 03/21/2016. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

J. Coover made a motion, seconded by B. DeYoung, to approve the Special meeting minutes of 03/29/2016. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

**BILLS AND TRANSFERS:**

J. Lastowski a motion, seconded by B. DeYoung, to approve all the invoices in the Bill's list of 04/04/2016. G. Schuster noted the bill's list contain some invoices which were excluded previously. P. Finkbeiner noted the T&M January invoice was corrected. Roll call vote: J. Coover, no; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

**AMENDMENTS TO AGENDA:** G. Schuster noted he did not include the Bylaws amendments. Discussion followed on the number of commissioners that can participate by speaker phone. J. Coover noted the draft bylaws did not limit the number by speakerphone. The Board requested L. DeVito to investigate participation by speaker phone.

H. Werkheiser made a motion, seconded by J. Lastowski, to adopt the amended Board of Commissioner's Bylaws & Rules of Procedure dated 04/04/2016. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

**PUBLIC COMMENT:**

Dennis Purcell, Twp. Resident and Planning Commission member, questioned the PennDOT meeting on 04/14/2016. L. DeVito noted according to the Sunshine Law, all Commissioners can attend all fact finding meetings as long as no decisions are made.

Brad Wise, Twp. resident, questioned the PennDOT meeting. G. Schuster noted it is a private PennDOT meeting for Planning Commission and Commissioners to present the Rt. 715 realignment plans.

**REPORT OF THE PRESIDENT:** None

**COMMISSIONERS COMMENTS:**

Vice President Harold Werkheiser, None

Commissioner Judi Coover due the recent resignation of Rick Fisher; J. Coover made a motion, seconded by H. Werkheiser, to appoint Mike Tripus from BIU as interim Zoning Officer subject to an agreement with BIU for his services. G. Schuster stated BIU no longer provides zoning officer services and requested an executive session to discuss. J. Lastowski requested G. Schuster investigate options for zoning services before a decision is made. Discussion followed on pending issues which require a zoning officer. L. DeVito noted Rick Fisher maybe available to attend the ZHB hearings or the hearings can be continued.  
Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, no; and B. DeYoung, no. Motion failed.

Commissioner Bob DeYoung none.

Commissioner Jerry Lastowski none.

**REPORTS:**

**Administration:**

Manager Gregg Schuster presented his report.

- A) Dump Truck Purchase - J. Clapper explained the proposed new Dump Truck. The estimated price including upfitting is \$143,944.00. H. Werkheiser questioned the truck body. J. Clapper will obtain additional quotes and present to the Board. No action taken.

Engineer Russel Benner gave his report.

- A) Marona Construction - Payment Request #3 - R. Benner explained the payment request and work completed.

J. Lastowski made a motion, seconded by H. Werkheiser, to approve Marona Construction Company, Payment Request #3, in the amount of \$281,100.00, leaving a remaining balance to finish of \$516,000.00.

Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Solicitor Leo DeVito

- A) St. Luke's Sanitary Sewer Plan/Emergency Plan - L. DeVito noted the new St. Luke's Hospital will be working near the Pocono Township Sewer force lane. Jeffery Clapper, Public Works Director, brought the issue to the Township attention and requested the agreements. He explained the process during construction.

**ST. LUKE'S CONT:**

J. Lastowski made a motion, seconded by B. DeYoung, to approve St. Luke's Emergency Plan Agreement - sanitary sewer plan/emergency plan.

Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

**PRESENTATIONS:**

A) Heritage Center Proposal - Charlie Trapasso, President of the Bicentennial Committee, addressed the board and gave a brief outline of the project. Tony Farda, Treasurer, explained the funding and fund raising for the project. Dotty Telesky explained the Pocono Jackson Historical Society involvement. Discussion followed on the funds to refurbish the building. Vincent Trapasso stated he will guarantee funding for the project. L. DeVito will draft an agreement between the Township and Vincent and Charlie Trapasso.

Charlie Trapasso requested approval to:

- 1) Rename the Park building to the Pocono Heritage Center.
- 2) Request \$19,400 to refurbish the bathroom to handicap accessible.
- 3) Request the permit fees be waived.

Diane Zweifel, Twp. resident, questions concerning the maintenance of the building.

J. Lastowski made a motion, seconded by B. DeYoung, to approve the change of name to Pocono Heritage Center. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

J. Lastowski made a motion, seconded by B. DeYoung, to approve the use of general funds monies restricted for Park use, in an amount not to exceed \$19,400.00 to renovate the restrooms in the Pocono Heritage Center to handicap accessibility. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

B. DeYoung made a motion, seconded by J. Lastowski, to authorize the solicitor to draft an appropriate agreement with Pocono Heritage Foundation to outline the conditions for renovations of the Pocono Heritage Center. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

J. Lastowski made a motion, seconded by B. DeYoung, to waive the Township permit fees for the Pocono Heritage Center. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Charlie Trapasso will contact the Board with dates for the Groundbreaking Ceremony.

J. Lastowski spoke concerning parliamentary procedures as based on Robert's Rules of Order. He requested members of the audience to please stand and state their names and direct their questions to the President of the Board.

**PRESENTATIONS CONT:**

2) Park Shed - J. Clapper explained due to the renovations to the Pocono Heritage Center, he requested two sheds be purchased and placed at Mt. View Park for storage of equipment. He noted the lowest quote was from Kramer's Sheds for \$9,155.00.

J. Lastowski made a motion, seconded by B. DeYoung, to authorize the purchase of two sheds from Kramer's Sheds for \$9,155.00. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

B) Recreation Committee Interview - Tony Farda

J. Lastowski made a motion, seconded by B. DeYoung, to appoint Tony Farda to the Pocono Township Recreation Committee. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

H. Werkheiser thanked all volunteer members for their service to the Township.

C) Quaker Ridge Extension Request - The Planning Commissioner

disapproved the request at their 02/22/2016 meeting. Jim Cahill, Pocono Manor Investors, Inc., and Marc Wolf, Marc Wolfe, Solicitor, Newman, Williams, Mishkin, Corveleyn, Wolfe & Fareri, addressed the board. J. Cahill noted the downturn in the economy as the reason for the additional time. Discussion followed. L. DeVito noted the plan may be resubmitted which would give them five years to complete.

J. Lastowski made a motion, seconded by H. Werkheiser, to approve the Quaker Ridge Extension Request for one (1) years. Roll call vote: J. Coover, abstained; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Resolution 2016-19 - Robert Ace Learn Road Land Development Plan - Chuck Niclaus, Niclaus Engineering, Inc., represented the plan. The plan is converting a residential home located at 220 Learn Road into an office for RKA Construction. L. DeVito read the conditions of the resolution.

B. DeYoung made a motion, seconded by J. Lastowski, to adopt Resolution 2016-19 Robert Ace Learn Road Land Development Plan. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Resolution 2016-20 - Sanofi Flu Building and CUP Building - Aaron Sisler, Borton-Lawson Engineering, Inc. represented the plan. L. DeVito read the conditions of the Resolution. Discussion followed on impact to neighboring properties and sewage flows. Discussion followed.

B. DeYoung made a motion, seconded by J. Lastowski, to adopt Resolution 2016-20 Sanofi Flu Building and CUP Building Land Development Plan. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

**PRESENTATIONS:**

Sanofi Rezoning Request - Aaron Sisler, Borton-Lawson Engineering, Inc. represented the Plan. The request is to rezone two lots from residential to Industrial. Discussion followed on the impact to neighboring properties. A. Sisler noted Sanofi owns the side properties and the rear property is undeveloped.

J. Lastowski made a motion, seconded by B. DeYoung, to authorize the establishment of a Professional Service agreement and authorize the Solicitor to draft the ordinance and advertise the same. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Police IT - Sundance Networks, Inc. Estimate 12/14/2016 - Steve Gilboy, Sundance Networks, Inc. IT Specialist, explained the current server is unable to handle the newer programs for the Police Department. Price quotes were obtained for the camera server, a combined server - Twp/Police, and Separate - Twp/police servers. G. Schuster noted the Township server may wait but the police camera and building servers need to be replaced now. S. Gilboy will provide a separate quote for a single police server. Price quote for camera server is \$10,979.98. Discussion followed on backup of files, security, and future server purchase for Township.

J. Lastowski made a motion, seconded by J. Coover, to approve Sundance Networks, Inc. proposals dated 12/14/2016 in the estimated amounts of \$10,970.98 (Camera server) and \$8,944.00 (Police server). Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Alger Avenue Yard Project - J. Clapper, Public Works Director, explained the area will be used for stockpile storage, a police impound, and will be fenced. \$25,000.00 has been budgeted for it. He requested an additional \$3,000.00. Ellen Gandt, Twp. resident, questioned if the project will be bid. J. Clapper noted much of the work will be in-kind; fencing will be done by contractor and not exceed the bid limit.

J. Lastowski made a motion, seconded by B. DeYoung, to approve the improvements to the Alger Ave Yard Project as recommended in the memo from Jeffry Clapper, Public Works Director, estimated cost of \$25,000.00. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

COG Representative

J. Lastowski made a motion, seconded by B. DeYoung, to appoint J. Coover as the COG Representative. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Finance Committee

J. Coover made a motion, seconded by B. DeYoung, to table the appointment of the second Finance Committee person. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

**ORDINANCES:**

Ordinance 2016 - 01 - BRCR Service area to Monroe County Technical Institute (MCTI) - H. Werkheiser opened the hearing. Hearing no public comment, H. Werkheiser closed the hearing.

J. Lastowski made a motion, seconded by H. Werkheiser, to adopt Ordinance 2016-01 - BRCA Service Area to MCTI. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

**RESOLUTIONS:**

Resolution 2016-21- TRIJAY agreement - J. Clapper, explained the agreement is for sewer system maintenance. He noted they are the present maintenance provider.

J. Lastowski made a motion, seconded by B. DeYoung, to adopt Resolution 2016-21 - TRIJAY agreement in the amount of \$2,400.00 per year, additional cost as stated on their fee schedule of 03/11/2016. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Resolution 2016 -22 - Pocono Mountain Regional Police Agreement - J. Lastowski made a motion, seconded by B. DeYoung, to adopt Resolution 2016-22 Agreement with Pocono Mountain Regional Police Agreement. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Resolution 2016 -23 - Supplemental Appropriations - Ellen Gndt, Twp. resident, questioned if the code (.1702) allows for a supplemental appropriation for 2015 since it has been over 90 days. Gina Zuvich, Township Treasurer, will contact the auditor. J. Lastowski made a motion, seconded by B. DeYoung, to adopt Resolution 2016-23 - Supplemental Appropriations - conditioned upon the Twp. auditor opinion. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

J. Lastowski made a motion, seconded by B. DeYoung, to adjourn the meeting at 10:00 p.m., until 04/18/2016. Roll call vote: J. Coover, yes; H. Werkheiser, yes; J. Lastowski, yes; and B. DeYoung, yes. Motion carried.

Respectfully submitted  
Pamela Finkbeiner  
Township Secretary