

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**  
**REGULAR MEETING MINUTES**  
**JULY 5<sup>th</sup>, 2016 7:00 P.M.**

The Regular meeting of the Pocono Township Commissioners was held on 07/05/2016 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Harold Werkheiser at 7:40 p.m., followed by the Pledge of Allegiance.

**ROLL CALL:** Ellen Gndt, present; Bob DeYoung, present; Harold Werkheiser, present; Jerry Lastowski, present; and Judi Coover, absent.  
Leo DeVito, Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; Gina Zuvich, Township Treasurer; and Pamela Finkbeiner, Interim Manager/Secretary, present.

**ANNOUNCEMENTS:**

- a) Acknowledgement of Sanofi Rezoning hearing scheduled for 8/1/2016.
- b) ZHB hearing for Adam's Outdoor/Covello has been continued to 08/23/2016 at 4:00 p.m.
- c) An executive session was held on 06/30/2016 at 5:30 p.m. to discuss the manager position.
- d) An executive session will be held after the meeting to discuss a litigation matter.

**MINUTES:**

Vacancy Board Meeting 06/18/2016

E. Gndt noted Joe Shupp was identified as John Shupp.

J. Lastowski made a motion, seconded by B. DeYoung, to approve the Special Vacancy Board/Commissioners Meeting of 06/18/2016 with the correction of Joe Shupp name. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

Regular meeting of 06/20/2016

E. Gndt noted two changes - 1) she did not comment on the Payroll and 2) under adjournment - the board adjourned into executive session.

E. Gndt made a motion, seconded by J. Lastowski, to approve the Regular meeting minutes of 06/20/2016 with corrections. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

**TREASURER'S REPORT:**

Gina Zuvich, Township Treasurer, gave her report up to May, 2016. She noted overall they are at 64%. She noted building permits are down from last year. Expenses are on target. Liquid fuels have been received. E. Gndt questioned the delinquent taxes, tax collector salary, Spring cleanup day's expenses, and sewer construction fund - PENNVEST grant money. G. Zuvich noted the PENNVEST funds need to be moved out of the account in a certain time frame, the funds are a reimbursement of monies spent and will remain in the sewer construction fund. E. Gndt questioned if the general fund could be moved into CDs. G. Zuvich note the general fund is presently in a money market fund.

**TREASURER'S REPORT CONTD:**

Jennifer Wise, Twp. resident, questioned the reduction of building permits. P. Finkbeiner noted that several large projects were proposed for 2016 - which will increase the budget line for Building Permits.

Annual Audit Status - G. Zuvich noted Julian Kirk, Auditor, will be wrapping up the audit with a projection of submitting the draft in two weeks.

**SUPPLEMENTAL APPROPRIATIONS:** G. Zuvich noted additional maintenance to the Police building was added, funds for the Zoning Officer position are being moved to pay for the contracted Zoning Officer service, and RecDesk costs were not budgeted for.

E. Gndt made a motion, seconded by J. Lastowski, to approve the Supplemental Appropriations of 07/05/2016. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

**BILLS AND TRANSFERS:**

Check listing dated July 5<sup>th</sup>, 2016 - P. Finkbeiner noted an addition of \$300.00 for Trailer tires and the last payroll cost were added to the Bill's list. B. DeYoung made a motion, seconded by J. Lastowski, to approve Bill's list of 07/05/2016 and authorize the transfer of funds. Discussion followed. E. Gndt suggested the Board consider approval by Resolution of reoccurring invoices so the Township would not be charged late fees. J. Lastowski suggested R. Zuvich review the invoices for a month and make suggestions. Jennifer Wise-Werkheiser, Twp. resident, questioned if vendors could change the due dates. G. Zuvich noted the length of time between meetings as the problem with late fees. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

**PUBLIC COMMENT:**

Jennifer Wise-Werkheiser, questioned Zoning Violations and the policy of the Board for handling anonymous complaints. Mike Tripus, Zoning Officer, explained he takes action on noticeable violations. To request the name of the person complaining against a neighbor on a request for action notice, it protects the Township in the case of litigation. J. Lastowski stated if a person is complaining against another, the Township has the right to request the name on the complaint. M. Tripus noticed the charter school signs, he has been going after them. He is in the process of sending violation letters. J. Wise-Werkheiser noted several signs that she felt are illegal. Diane Zwiefel, Twp. resident, questioned if an anonymous notice is given to the Zoning officer, the Zoning Officer should comply. J. Wise-Werkheiser noted her neighbor burns all the time but has not complained because of fear of the neighbor.

L. DeVito, Solicitor, noted the Township has the right to request the name of the person complaining on a request. He noted in a case where the Zoning Officer is not able to see the violation in action, such as on a weekend, there is no action the Township can take.

**PUBLIC COMMENT CONT:**

Jane Cilurso, Township resident, questioned why the Township did not place money into a CD.

**REPORTS:**

President's report: None

Commissioners Comments

Bob DeYoung, Vice President, none

Ellen Gndt, Commissioner, thanked everyone for their assistance. She requested the agenda policy be moved to executive session.

Jerry Lastowski, Commissioner, none.

Right-to-Know officer:

Acceptance of resignation: Judi Coover was appointed as Right-to-Know Officer. P. Finkbeiner noted J. Coover requested it be placed on the agenda but a resignation letter has not been received. Discussion followed. L. DeVito, Solicitor, noted the Board may remove her from the position and reappoint an officer. J. Lastowski noted he would like to receive the resignation letter before any action is taken. An attempt was made to contact J. Coover by phone. No action taken.

Finance Committee Appointment - J. Lastowski made a motion, seconded by R. DeYoung, to appoint Ellen Gndt to the Finance Committee. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

**ADMINISTRATION:**

Interim Manager/Twp. Secretary Pamela Finkbeiner gave her report.

- i. Trespass Waiver - P. Finkbeiner explained when either the Twp. Zoning Officer, Public Works Director, etc. need to inspect a property, it protects the Township in case anyone needs to visit the property. J. Lastowski made a motion, seconded by R. DeYoung, to approve the Trespass Waiver. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

J. Lastowski questioned the meeting with SPA Castle on the interim Manager's report. P. Finkbeiner explained SPA Castle has requested their plan be reviewed by the new Township Engineer. A meeting will be held to give the new Engineer, Jon Tresslar, an overview of the plan.

Jennifer Wise-Werkheiser, Twp. resident, questioned if SPA Castle is a resort use or an Adult use?

Bob Demarest, Twp. resident, questioned where adult uses are allowed.

- ii. Manager's Bond - P. Finkbeiner explained the previous manager was required to be bonded for \$3,000,000. He had check signing and bank access. Since she was not approved for bank access or check signing, a bond is not required. L. DeVito noted under 1<sup>st</sup> class

code, it is not required. B. DeYoung made a motion, seconded by E. Gnandt, to waive the Bond requirement for interim manager Pamela Finkbeiner. Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

E. Gnandt questioned if all check signers should be bonded. L. DeVito, solicitor will review.

- iii. PFM - Authorization for Financing Team to proceed. PFM proposed several options for refinance. J. Lastowski made a motion, seconded by B. DeYoung, to approve Option 3 (10 year) - Discussion - E. Gnandt noted there are funds to pay off the letter of credit. J. Lastowski spoke in favor of a loan which could be paid off without penalty. Roll call vote: E. Gnandt, no; B. DeYoung, yes; H. Werkheiser, no; and J. Lastowski, yes. Motion failed.
- iv. MOU - Monroe Career & Technical Institute for Police Services - H. Werkheiser questioned if overtime was considered in the rate. Kent Werkheiser, Pocono Township Police Chief, explained the MOU allows the department to receive reimbursement for time spent at MCTI campus. Discussion followed on Policing of Traffic during holidays and events. Ramona Shupp, Twp. resident, questioned the traffic to Camelback on Sullivan Trail/Camelback Road. Jane Cilurso, Twp. resident, questioned funding for extra police officers. J. Lastowski made a motion, seconded by E. Gnandt, to approve the MOU - Monroe Career & Technical Institute (MCTI) for Police Services. Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.
- v. ZHB Secretary - P. Finkbeiner explained the Zoning Hearing Board has requested a 'contracted' secretary to assist the Board for items presently handled by the ZHB Solicitor. A line item was budgeted for a ZHB secretary. E. Gnandt questioned if a ZHB Secretary would be an employee position. L. DeVito, Twp. Solicitor, confirmed the position may be considered an employee. Discussion followed. No action taken.
- vi. Policy for Agenda Items - P. Finkbeiner requested clarification from the Board on the placing of items on the agenda. E. Gnandt noted the Board discussed the policy at Executive session but the interim manager requested additional direction. The Board concurred when a Commissioner requests an agenda item, it will be placed under the individual Commissioners reports. Special meetings or workshops may be called by the majority of the Board or placed on the agenda by an individual Commissioner under their reports.
- vii. Scheduling of Work Sessions - Discussion followed on scheduling of workshops. E. Gnandt suggested a regular scheduled workshop. Discussion followed. No action taken.

- 1) Manager's Appointment - E. Gndt noted the Board met in Executive Session to rank the applications.
- 2) Finance Committee
  - a) QuickBooks updates - P. Finkbeiner noted to upgrade QuickBooks will be \$1,349 and obtain 5 licenses. E. Gndt made a motion, seconded by J. Lastowski, to approve the update of QuickBooks and purchase of 5 licenses. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

**TOWNSHIP SOLICITOR:**

- a) ZHB Kleyman - scheduled for 08/23/2016 at 5:30 p.m. authorization for Twp. Solicitor to attend. J. Lastowski made a motion, seconded by B. DeYoung, to authorize the Solicitor to represent the Township for the Kleyman ZHB. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.
- b) Sanitary Sewer Engineer Contract - T&M Associates for work required and approved by the Township. L. DeVito, Twp. Solicitor, explained the contract is to cover the inspections of the work being done on the valve repairs. E. Gndt questioned the wording of the Contract and who authorized it. Jeffry Clapper, Public Works Director, said the Contract was requested by the Board for work to be done by T&M Associates. E. Gndt felt it appeared to be a contract for the Township's Sanitary engineer. J. Lastowski noted T&M has been authorized by the Board to do work, approved by the Board. Discussion followed. E. Gndt requested it be tabled until Judi Coover can review the contract. No action taken.
- c) Summit Heights Conditional Use Hearing - setting of hearing date - 08/24/2016. Discussion. J. Lastowski made a motion, seconded by B. DeYoung, to set the hearing date for 08/24/2016 at 6:00 p.m. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.
- d) PACT TWO Contract 11 - L. DeVito, Solicitor, explained the history of the PACT TWO Contract 11 and Changer Order from 2013 to 2016. The previous Board had approved a payment in 2015 for a portion of an agreed amount to settle the balance of the Contract. E. Gndt questioned the payment of \$110,000, the agreed \$250,000, and requested the settlement to be broken out of the Change Order. L. DeVito noted the \$110,000 was part of the disputed claim. Discussion followed. J. Lastowski made a motion to pay the \$140,000 - E. Gndt noted it cannot be authorized to pay without an agreement. J. Lastowski's motion failed due to lack of seconded. B. DeYoung made a motion, seconded by J. Lastowski, to authorize the Solicitor to prepare a settlement agreement in the amount of \$250,000.00 to be brought before the Board for approval, and to revise the Change Order for PACT TWO Contract 11. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

- e) Sanofi Pasteur, Inc. - Dean Wehr, Sanofi Pasteur; and Aaron Sisler, Borton-Lawson, Inc., requested the Board consider allowing the building of a road and stockpiling on the portion of property to be rezoned. L. DeVito, Solicitor, explained the Township can enter into an Indemnification Agreement to protect the Township in the case the rezoning is not approved. J. Lastowski made a motion, seconded by B. DeYoung, to authorize the Township Solicitor to draft an Indemnification Agreement between Sanofi Pasteur, Inc., and Pocono Township for work to be done on the property proposed to be rezoned areas. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

Robert Felins, Twp. resident, questioned allowing Sanofi Pasteur to be on the agenda.

#### TOWNSHIP ENGINEER:

- a) Marona Change Order #1 and #5 - J. Clapper explained the Change Order's. #1 - change in piping for the project - \$64,170.00 - it was brought before the Board in 2015 but the previous board requested it be held. E. Gndt questioned the PennVEST requirements for the Change Order. Change Order #5 - signage and barriers required by PennDOT; and the restoration work. The Contractor recently submitted the invoices. E. Gndt questioned why the work was completed before the Change Order is approved for payment. Discussion followed. Bobby Felins, F&F Paving, explained the work completed as part of the project. J. Lastowski made a motion, seconded by B. DeYoung, to approve Change Order #1 and Change Order #5 - H. Werkheiser stated the Contractor should be responsible for the restoration work from the run off from the pipe. Bobby Felins, F&F Paving, explained the pipe was buried underground and unknown to anyone. The runoff 'blew-out' the pipe and washed out the restored yard. J. Clapper explained the MCCD requested the Township fix the damage caused by the runoff. Roll call vote: E. Gndt, no; B. DeYoung, yes; H. Werkheiser, no; and J. Lastowski, yes. Motion failed.
- Discussion followed to remove the \$1,565.00 (Payment to F&F Paving for restoration of Benningers') and be paid out separately. E. Gndt questioned the impact on the PennVEST application. Discussion. J. Clapper noted he requested the restoration work since MCCD was requiring action. J. Lastowski thanked J. Clapper for handling the emergency. H. Werkheiser questioned why the road crew was not used for the restoration work.
- J. Lastowski made a motion, seconded by E. Gndt, to approve Change Order #5 in the amount of \$107,425.00 with the condition the \$1,565.00 payment to F&F Paving to be removed from Change Order #5 and added to the Bill's list of 07/05/2016, leaving an amount of \$105,860.00. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

J. Lastowski made a motion, seconded by E. Gndt, to approve Change Order #1 in the amount of \$64,170.00. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

**MARONA CHANGE ORDER #5 CONTD:**

- b) Marona Payment Request #5 - E. Gnandt questioned the Change Orders included in the Payment Request. Discussion followed. B. DeYoung made a motion, seconded by J. Lastowski, to authorize payment of Marona Payment Request #5 in the amount of \$149,636.36. Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.
- c) DCNR Agreement Sewer Line Connection and Transfer of Service Agreement - Jon Tresslar explained the he was requested to inspect the line and it does meet the minimum design standards. J. Clapper noted the agreement was approved conditioned upon the line being inspected and confirmed it was not in the Rt.611 redesign. J. Clapper noted he spoke with Russ Scott, RKR Hess Engineers, and he confirmed it was not in the Rt. 611 redesign. No action taken.
- d) Camelback Release of Letter of Credit - P. Finkbeiner noted T&M Associates have approved the release. J. Lastowski made a motion, seconded by R. DeYoung, to approve the Camelback Release of the Letter of Credit in the amount of \$450,143.49. Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

**RESOLUTIONS:**

- a) Resolution 2016-33 Berkheimer's Liaison - P. Finkbeiner noted the Resolution is to update the Berkheimer's Liaison to the Township Manager and Township Treasurer. E. Gnandt made a motion, seconded by B. DeYoung, to adopt Resolution 2016-33 - Berkheimer's Liaison. Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.
- b) Resolution 2016-34 - Circus Banner - E. Gnandt made a motion, seconded by B. DeYoung, to adopt Resolution 2016-34 - Circus Banner across Rt. 611. Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

**ADJOURNMENT:** B. DeYoung made a motion, seconded by J. Lastowski, to adjourn into executive session at 11:00 p.m., until 07/18/2016 at Pocono Township Municipal Building, Tannersville, PA. Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; and J. Lastowski, yes. Motion carried.

Respectfully submitted:  
Pamela Finkbeiner  
Interim Manager/Twp. Secretary