

POCONO TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

JULY 18th, 2016 7:00 P.M.

The Regular meeting of the Pocono Township Commissioners was held on 07/18/2016 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Harold Werkheiser at 7:00 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, present. Leo DeVito, Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, present; Jeffry Clapper, Public Works Director, present; and Pamela Finkbeiner, Interim Manager/Secretary, present.

ANNOUNCEMENT:

Sanofi Rezoning hearing is scheduled for 08/01/2016.

MINUTES: E. Gndt noted a question.

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

TREASURER'S REPORT: Regina Zuvich, Twp. Treasurer.

- a) Annual Audit Status - Julian Kirk will be returning to finish up the Audit.
- b) QuickBooks Update has been installed and a laptop is available for the Commissioners to use.
- c) CD rates - R. Zuvich noted two rates: Wayne Bank offers a .8 percent - 7 months; and ESSA offers .70 percent - 6 months. The present money market offers .45 percent. Discussion followed. R. Zuvich will check other bank rates.

SUPPLEMENTAL APPROPRIATIONS: R. Zuvich explained the appropriations. Discussion followed.

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

APPROVAL OF BILLS AND TRANSFERS: B. DeYoung questioned the reimbursement for p-trap. J. Clapper noted only a few properties had connected before the change to mandate p-traps. J. Lastowski noted the p-traps assist in eliminating the odors. J. Lastowski questioned the broom purchases. J. Clapper noted they are for the road broom. E. Gndt questioned the invoice for Eureka invoices and if they were bid. J. Clapper noted they were under Costars. Discussion followed. J. Clapper will confirm it is a Costar product. J. Lastowski made a motion, seconded by B. DeYoung, to approve the Bill's list of 07/18/2016 with the exception of Eureka, pending the confirmation it is a Costar product, if not under costars it will not be paid. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, abstained. Motion carried.

PUBLIC COMMENT:

D. Zwiefel, Twp. resident, questioned why the bill's list was not attached to the agendas and the posting of the agenda on the website. P. Finkbeiner noted she will investigate. Discussion followed.

Maxine Turbolski, Twp. resident, questioned the microphones. P. Finkbeiner explained the equipment has been ordered.

Report of the President: none.

Commissioners Comments:

Bob DeYoung, Vice President, none.

Judi Coover, Commissioner

- a) Zoning Ordinance Modification - J. Coover explained Ordinance 2013-07 allows for 96' buildings to be allowed in Commercial and Industrial zones and for Hotels in RD. J. Coover suggested reducing the height in RD Zones to 50'. Discussion followed. E. Gnandt noted she was in favor of a reduction for RD Zones. J. Lastowski, R. DeYoung, and H. Werkheiser requested more information and time to consider the modification. D. Zweifel, Twp. resident, questions if Developers would have input. L. DeVito, Solicitor, noted a draft would be submitted to MCPC and the Pocono Township Planning Commission for review. Discussion followed. No action taken.
- b) Questions from the public for the Manager's interviews - J. Coover announced questions from the Public for the Manager's interviews will be accepted until 07/19/2016.
- c) Right-to-Know Officer - E. Gnandt made a motion, seconded by J. Lastowski, to appoint P. Finkbeiner as Right-to-Know Officer. Roll call vote: E. Gnandt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.
- d) Policy on Complaints - J. Coover suggested persons can give a complaint as a "concerned citizen" and the Township should make the decision to act on the complaint if enough information was included. J. Coover made a motion, seconded by E. Gnandt, to set a policy of accepting complaints from 'concerned citizens' - J. Lastowski confirmed his position that the Township should require a name. D. Zweifel, Twp. resident, spoke in favor of no name required. Mike Tripus, Zoning Officer, explained the name on the complaint is not revealed unless it is a violation taken to court. H. Werkheiser stated the Township follows up on complaints. R. DeYoung questioned why it would not be required. J. Lastowski noted a letter received which had an invalid name and misinformation. J. Coover noted people have the right to send letters and the Township has the right to ignore those type complaints. Joe Shupp, Twp. resident, spoke in concern of false reports being made if a name is not required. Chris Ortolan, Twp. resident, questioned how the Township will know if there is a problem with a neighbor dispute. H. Werkheiser explained he would be in favor of the policy but if it is abused, the Board should revisit it. Roll call vote: E. Gnandt, yes; B. DeYoung, no; H. Werkheiser, yes; J. Lastowski, no; and J. Coover, yes. Motion carried.

J. COOVER CONT:

- e) ZHB Secretary - The ZHB has a \$1,000.00 budget for a secretary. J. Coover explained the ZHB had previously had a secretary for the position. L. DeVito, Solicitor, explained the difference between an employee verses an independent contractor. Discussion on the position, hiring, cost, etc. The Board recommended the ZHB advertise for a secretary and Board will approve the hiring if an employee. Diane Zwiefel, Vice-chairman of the ZHB, will discuss with Mark Love, Chairman of the ZHB, and will advertise the position. D. Zwiefel explained the position would be the timely advertising, certification of posting, etc.
- f) Revisions to the Sanitary Sewer Engineer's contract - J. Coover explained she revised the Contract based on her suggestions and comments from other Board members. The Board concurred to submit the revised Sanitary Sewer Engineer's Contract to the Township Solicitor and T&M Engineers.

Ellen Gndt, Commissioner:

- a) Draft Minutes - E. Gndt suggested the draft minutes to be corrected to reflect changes at time of approval. P. Finkbeiner noted in her opinion, once the draft minutes are published to the internet, they may be considered a published record. Discussion followed. J. Coover will contact PSATS to determine. No action taken.
- b) Documents from Marona - E. Gndt explained she is requesting additional information on the Marona Contract. T&M will provide but have requested payment for the work. Discussion followed on records maintained outside the Township Building.
- c) Filing - E. Gndt suggest the Board consider hiring the help to get the files in order.
- d) Prograde ZHB - E. Gndt suggested the Board withdraw as intervener for the Prograde Fireworks appeal. She felt it was more of a competition between to competitors. J. Coover questioned the case. Discussion followed. L. DeVito recommended it be discussed in executive session. No action taken.
- e) Stock ZHB Extension - L. DeVito, Solicitor, is working with the parties to request an extension. J. Coover suggested

Jerry Lastowski, Commissioner:

- a) TLC underground storage Tank - J. Clapper explained the cost is an estimate of the costs and to ask the Board if they wish to pursue the School district to remove the tank. J. Clapper noted 5,700 gallons of oil. L. DeVito noted the school district has been notified. Discussion followed on the status of the tank removal.

J. LASTOWSKI REPORT - TLC TANK CONT:

J. Coover made a motion, seconded by J. Lastowski, to authorize the Twp. Solicitor to contact the Pocono Mountain School District to take the appropriate actions to indemnify the Township from all ramifications to remove the underground storage tank located on the TLC property. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Discussion followed. No action taken.

- b) Moment of silence - J. Lastowski requested a Moment of Silence for all the Police officers and citizens who lost their lives recently.

EMERGENCY SERVICES REPORTS:

- a) Pocono Township Police Department - Pocono Township Police Chief Kent Werkheiser noted times are difficult for the Police with the current conditions in the Country. The Board acknowledges the great job the Police Officers do.
- b) Suburban Ambulance- P. Finkbeiner explained Nick DeWitt and Steve Cunningham will give a 6 month report at the August 1st mtg. J. Coover questioned why an ambulance was not at the Weis Market property. Discussion followed on the requirements of the contract. Geoffrey Roache, MPA, Director, Community Outreach, explained a full presentation will be presented at the August 1st meeting.

ADMINISTRATION:

Interim Manager/Twp. Secretary Pamela Finkbeiner

- a) Scheduling of Work Sessions - P. Finkbeiner requested the Board consider a regularly scheduled work session for discussion items, only. J. Coover and E. Gndt spoke in favor of work sessions. J. Lastowski noted the manager's interviews are coming up, DCED, and personal issues prevent him from committing to a regular schedule. P. Finkbeiner will place it on the 08/01/2016 meeting.
- b) Letter from Minu Desai - P. Finkbeiner noted a letter was received from Minu Desai requesting to purchase a portion of Pump Station No. 2's property. Discussion followed on the future needs of the property and the requirements to consider selling a portion. L. DeVito noted the Twp. would be required to obtain an appraisal and the property would be sold to the highest bidder. No action taken.

FINANCE COMMITTEE: E. Gndt will set a meeting with Gina Zuvich, Twp. Treasurer.

TOWNSHIP SOLICITOR'S REPORT:

Sanitary Sewer Engineer Contract - T&M Associates for work required and approved by the Township. Discussed previously.

SOLICITOR CONT:

- a) PACT TWO Contract 11 Revised Change Order #5 - L. DeVito noted the revision to the change order is in progress.
- b) Settlement Agreement for PACT TWO Contract 11 - L. DeVito noted it is in progress.
- c) Fontaine vs. Pocono Township - L. DeVito explained a personal claim incident occurred in Mt. Pocono at the Pocono Mountain Carnival and Pocono Township has been named in the suit. P. Finkbeiner contacted their attorney with no response. L. DeVito explained he reached out to them and the Township insurance agency but the Township is still included. L. DeVito filed an objection with Monroe County Court of Common Pleas.
- d) Stock ZHB - July 26th, 2016 at 5:00 p.m. will be continued.
- e) Brookdale Resort - L. DeVito explained the owners have requested a meeting with Staff to discuss the project. J. Coover suggested the Boards should be included. L. DeVito explained it is a private meeting between the developer and staff to discuss the concept of the proposed project. Discussion followed on the difference of a public presentation verses a preliminary meeting for a concept development. P. Finkbeiner noted once the preliminary meeting is held, the developer will either submit a sketch plan or preliminary plan to the Township, then a site visit or Board presentation will be scheduled. The Board concurred it would be an informal non-public meeting. Maxine Turbolski, Twp. resident, questioned the project.

TOWNSHIP ENGINEER:

- c) Revised Marona Change Order #5 - J. Lastowski made a motion, seconded by B. DeYoung, to approve the revised Marona Change Order #5, in the amount of \$105,860.04. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

E. Gndt questioned the \$187,000 line item under the pay request. Marona Final Payment Request #6 - J. Lastowski made a motion, seconded by B. DeYoung, to approve Marona Final Payment Request #6 in the amount of \$235,241.86 - E. Gndt questioned the \$187,000 contract deduction and why it was shown under the balance to finish. J. Lastowski withdrew his motion and B. DeYoung withdrew his second, until T&M can clarify the payment request.
- d) Northridge at Camelback Escrow Release #19 - J. Lastowski made a motion, seconded by B. DeYoung, to approve the Northridge at Camelback Escrow Release #19 in the amount of \$9,600.00 as recommended in T&M's letter of 07/07/2016. E. Gndt questioned the MCCD has violations against the property. J. Tresslar explained the violation did not affect the escrow release. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

RESOLUTIONS:

Resolution 2016-35 Banner for Bicentennial - J. Coover made a motion, seconded by B. DeYoung, to approve Resolution 2016-35 - Banner placement for the Bicentennial. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

ORDINANCES: None

PUBLIC COMMENT: None

EXECUTIVE SESSION: None

ADJOURNMENT: J. Coover made a motion, seconded by E. Gndt, to adjourn the meeting at 9:50 p.m., until 08/01/2016 at 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Respectfully Submitted
Pamela Finkbeiner
Interim Manager/Twp. Secretary