

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
AUGUST 1st, 2016 7:00 P.M.

The Regular meeting of the Pocono Township Commissioners was held on 08/01/2016 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; Gina Zuvich, Twp. Treasurer; and Pamela Finkbeiner, Interim Manager/Secretary, present.

ANNOUNCEMENT:

- a) An Executive session was held on 07/26/2016 and 07/27/2016 to discuss a personnel matter.
- b) Executive session will be held on 08/04/2016 and 08/05/2016 to discuss a personnel matter.
- c) An Executive session was held on 08/01/2016 to discuss a personnel matter.
- d) L. DeVito, Twp. Solicitor, noted an Executive session will be held immediately after the meeting to discuss litigation matters.

J. Coover requested advance notice of executive sessions.

MINUTES: E. Gndt made a motion, seconded by H. Werkheiser, to approve the Regular Meeting Minutes of 07/18/2016. 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, gave the financial report for June. She requested to meet with the Financial committee to review the midyear budget.

- a) CD rates - R. Zuvich reviewed her findings to date. She noted she contacted PLGIT for their rates and will present a more detailed report at the next meeting.
- b) Line of Credit Payoff - E. Gndt made a motion, seconded by H. Werkheiser, to pay off the Wayne Bank Line of Credit in the amount of \$2,808,818.70 including interest conditioned upon the detail of interest calculation of \$18,762.90 is confirmed. Roll call vote: E. Gndt, yes; B. DeYoung, no; H. Werkheiser, yes; J. Lastowski, no; and J. Coover, yes. Motion carried.

BILLS AND TRANSFERS:

E. Gndt questioned:

- 1) Elsayed Aly Refund - Check #54751 - \$200.00 - Mike Tripus, Zoning Officer, explained the refund is for permits on proposed kiosks that were not approved on a land development application.
- 2) Sundance Networks, Inc. - Check #54772 - \$18,859.48 - E. Gndt questioned if quotes were received. K. Werkheiser will review his files.

BILLS AND TRANSFERS CONT:

3) Sewer invoice for UTRS - Check #1627 - \$828.16 - R. Zuvich noted it was for work on the PennVEST grant close-out and conference calls for the LOC payoff.

4) Eureka - Check 158 - \$7,651.33 - invoice for stone for paving. E. Gnanndt noted the purchase of stone was over the bid amount. J. Clapper explained it was a Co-stars purchase. E. Gnanndt explained Co-stars requires a process for purchasing stone through Costars. L. DeVito will review Co-Stars purchase policy.

5) Met-Ed - Check 1622 - \$224.73 - Sales Tax and Late fees. R. Zuvich will submit the form to request the sale tax to be refunded and the late fee was removed. E. Gnanndt noted the Township should receive a refund for the previous three years.

J. Coover questioned the T&M Invoice - Check #1630 - \$ \$2,640.00

E. Gnanndt made a motion, seconded by J. Coover, to approve the Bill's list and Transfer dated 08/01/2016 conditioned upon the removal of Check #54772 - Sundance Networks, Inc. in the amount of \$18,859.48 and Check #158 - Eureka Stone Quarry in the amount of \$7,651.33. Roll call vote: E. Gnanndt, yes; B. DeYoung, no; H. Werkheiser, yes; J. Lastowski, no; and J. Coover, yes. Motion carried.

J. Lastowski noted concern that the Township is not paying invoices on time.

PUBLIC COMMENT:

Mike Velardi, Bartonsville resident, questioned a ditch at 2151 Pocono Circle. H. Werkheiser requested the Public Works Director to investigate.

A resident commented on the Pocono Record article on Spa Castle - J. Tresslar, Twp. Engineer, noted he is reviewing the plan but no other action has taken place.

Diane Zweifel, Twp. resident, questioned the status of the Manager's position. J. Lastowski noted they are interviewing candidates and hope to have a person selected by the August 15th meeting.

Ron Swink, Twp. Planning Commissioner, questioned why the Twp. Solicitor is not involved in the hiring of the Manager and the SALDO Ordinance. H. Werkheiser explained the Board decided not to involve the Solicitor in the selection process. J. Tresslar expects to present the revised SALDO to the Planning Commission and MCPC in the next few weeks.

ORDINANCE:

Ordinance 2016-03 - Sanofi Rezoning - Donna Kenderdine, Court Reporter, was in attendance.

H. Werkheiser opened the hearing. L. DeVito, Twp. Solicitor, gave a brief overview of the area requested to be rezoned. Aaron Sisler, Borton-Lawson Engineer, Inc., represented the plan. 23.9 acres have been requested to be rezoned to Industrial from Residential. All surrounding neighbors were notified. Joe Folsom, Pocono Highland Community Association resident, questioned what will be built on the property.

ORDINANCE 2016-03 CONT:

Dean Wehr, Sanofi Pasteur, explained the property will be used for contractor parking and stockpiling material during construction of the new Flu building. J. Coover questioned the preliminary comments in the MCPC review letter.

Hearing no other comments, H. Werkheiser closed the hearing.

J. Lastowski made a motion, seconded by J. Coover, to adopt Ordinance 2016-02 - Sanofi Rezoning. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

REPORT OF THE PRESIDENT - None**COMMISSIONERS COMMENTS:**

Ellen Gndt, Commissioner, had questions on the audit and will wait until the draft is received.

E. Gndt questioned the minutes. J. Coover noted she contacted PSATS and she updated the Commissioner's By-laws to include minutes. P. Finkbeiner requested time to review the revisions since she had not received the draft. She noted end of day Friday for agenda items, puts it past the time to post the agenda by EOD Friday. J. Lastowski and R. DeYoung requested to wait until the 08/15/2016 meeting to allow the Township secretary to review the changes. L. DeVito noted the agendas for special meetings have a 24 hour notice. Discussion followed on allowing P. Finkbeiner to comment on the changes to her job description. J. Coover noted it was a Board policy not a Secretary Policy. E. Gndt made a motion, seconded by J. Coover, to approve the revised Commissioner's by-laws with the removal of the three day time for Special meeting agendas. Roll call vote: E. Gndt, yes; B. DeYoung, no; H. Werkheiser, yes; J. Lastowski, no; and J. Coover, yes. Motion carried.

Judi Coover, Commissioner - No other comment.

Jerry Lastowski, Commissioner - Reviewed Robert's Rules of Order. He noted anyone wishing to speak should stand, state their name, state their question and direct all questions to the President of the Board. A motion requires a second before the motion can be discussed. Motions may be interrupted if clarification is required. He requested the audience respect the Rules of Order.

EMERGENCY SERVICES:

Suburban Ambulance's 6 month report - Nick DeWitt reported the 926 responses (805 Pocono Township and 121 Mutual Aid). Subscriptions have been sent out to residents. They have been active in the Community by attending Heritage Day, NCC events, and related activities. J. Lastowski raised the question on who would respond if near an accident scene. N. DeWitt noted any ambulance service will respond if they witness an accident. D. Zwiefel, Twp. resident, questioned if a resident could request transport to St. Luke's or another hospital of choice. N. DeWitt

SUBURBAN AMBULANCE CONT:

explained if a person is stable, they will transport to the hospital of choice; if not stable, they are required to transport to the most appropriate hospital for treatment. Maxine Turbolski, Diane Zwiefel, and Joe Sadowski, Twp. residents, questioned the protocol ambulance services follow.

ADMINISTRATION REPORT:

Pamela Finkbeiner, Interim Township Manager gave her report and noted for the next meeting:

- i. Pocono Manor dangerous Structure
 - ii. Boiler for Maintenance Building - H. Werkheiser suggested contacting Leon Clapper for the Boiler, since they installed it.
 - iii. Line Painting Contractor - J. Clapper, Public Works Director noted he was informed today that Mid Atlantic will start line painting, tomorrow. J. Clapper noted the rate is higher than last year. H. Werkheiser questioned the increase. J. Clapper noted funds are available under different line items. J. Lastowski questioned the cost of the line painting and the Boiler inspection/replacement under the current budget. Discussion followed. No action taken.
- a) Ratification of Signatories - P. Finkbeiner explained the Board had approved Resolution 2016-30 to change Bank Signatories but the actual motion did not reflect the signatories. She noted Ellen Gndt will need to be approved by a new Resolution as signatory. J. Lastowski made a motion, seconded by J. Coover, to ratify Judi Coover, Robert DeYoung, Gerald Lastowski, Harold Werkheiser, and Regina Zuvich, as bank signatories as listed in Resolution 2016-30, adopted 05/18/2016. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.
- b) HJP Park LSA Grant Application - Letter of Support- P. Finkbeiner explained the Hamilton Jackson Pocono H5 Regional Park is requesting a letter of support for the construction of pavilions and paving project. J. Coover questioned the wordage of the letter. J. Coover made a motion, seconded by E. Gndt, to send the Letter of Support for the HJP Park LSA Grant Application conditioned upon a change in wordage to be reviewed by the Board and authorize the President to sign once reviewed. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.
- c) Release of Camelback's Letter of Credit - Fireworks display- P. Finkbeiner explained the Fourth of July Fireworks display permit had expired and the Bank required Board action to release the letter of credit. J. Coover made a motion, seconded by E. Gndt, to authorize the release of the CBH20 (Camelback) Letter of Credit SB1944270001 in the amount of \$100,000.00. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

ADMINISTRATION CONT:

- d) Scheduling of Work session - P. Finkbeiner requested the Board set a meeting date. E. Gnadts spoke in favor of work sessions to discuss issues before the Board. J. Coover made a motion, seconded by E. Gnadts, to set the work sessions for the Thursday before each meeting at 9:00 a.m., starting September 1st, 2016. Roll call vote: E. Gnadts, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.
- e) PennDot meeting - Camelback Bridge - P. Finkbeiner noted a meeting will be held on 08/04/2016 at 4:00 p.m. to inform the public of the Rapid Bridge Replacement of the Camelback Road Bridge over the Pocono Creek.
- f) Valor Clinic request to use the TLC Park - P. Finkbeiner explained Valor Clinic is located in Jonas, PA. and works to help Veterans. J. Coover made a motion, seconded by J. Lastowski, to approve the use of the TLC park grounds for the Valor fundraiser conditioned they provide proof of insurance. Roll call vote: E. Gnadts, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.
- g) Request by American Legion for Veteran's Day Banner Placement- P. Finkbeiner noted she is still waiting for information on the company that is placing the Banner. No action taken.

FINANCE COMMITTEE:

E. Gnadts requested the finance committee meet to discuss the 6 month budget. Discussion followed on setting the date.

TOWNSHIP SOLICITOR:

- a) Sanitary Sewer Engineer Contract - T&M Associates agreed to the changes provided by J. Coover. J. Lastowski made a motion, seconded by J. Coover, to approve the T&M Associates revised Sanitary Sewer Engineer Contract. Roll call vote: E. Gnadts, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.
- b) PACT TWO Contract II Revised Change Order #2 - L. DeVito noted the auditor was satisfied with the change order. J. Coover and E. Gnadts questioned when the work was completed. L. DeVito and J. Clapper explained the history of the Contract. Discussion followed. No action taken.
- c) Settlement Agreement for PACT TWO Contract 11 - L. DeVito noted he has received comments from the Auditor and J. Lastowski.
- d) Request for executive session after the meeting to discuss litigation matters.

TOWNSHIP ENGINEER:

- a) Marona Final Payment Request #6 - J. Tresslar noted the request had been revised to show the \$187,000 removed. E. Gndt questioned the lack of the change order and the Board requested the change order be prepared for \$187,000.00 reduction. J. Tresslar will contact the contactor. No action taken.
- b) Resolution for the Crossing Land Development Plan - J. Tresslar requested to take no action until the next meeting.
- c) Resolution 2016-36 for Traffic Signal Improvements - Discovery Drive - J. Tresslar explained the Traffic Signal Improvements are the responsibility of the developer. J. Coover made a motion, seconded by J. Lastowski, adopt Resolution 2016-36 - Traffic Signal Improvement - Discovery Drive. Roll call vote: E. Gndt, yes; B. DeYoung, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

PUBLIC COMMENT:

Maxine Turbolski, Twp. resident, questioned the development meeting for Brookdale Resort. J. Coover noted she attended the preliminary meeting for a proposed plan using the present buildings. Discussion followed on the condition of the property and proposed use.

Ramona Shupp, Twp. resident, questioned Suburban Ambulance offering the patient's choice of hospitals. H. Werkheiser noted the Township is under contract with Suburban. E. Gndt asked if the Township could designate a second ambulance service. Discussion followed.

Jake Singer, Twp. resident, noted St. Luke's ambulance hired the Central Pocono employees.

ADJOURNMENT INTO EXECUTIVE SESSION:

B. DeYoung made a motion, seconded by E. Gndt, to adjourn the meeting into executive session to discuss litigation matters at 10:15 p.m. until 08/15/2016. 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
Township Secretary