

**POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING**

AUGUST 17, 2015 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 08/17/2015 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Richard Wielebinski at 7:20 p.m. followed by the Pledge of Allegiance.

ROLL CALL: Rich Wielebinski, present; Jerry Lastowski, present; Tom Felver, absent; 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, Twp. Secretary, were present.

ANNOUNCEMENTS:

An executive session following this meeting to discuss potential sewer litigation.

The next regular meeting will be held Tuesday, September 8th, at 7:00 p.m., due to the Labor Day holiday.

MINUTES:

J. Lastowski made a motion, seconded by P. Nish, to approve the Commissioners regular meeting minutes of 08/03/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by P. Nish, to approve the Commissioners Special meeting minutes of 08/03/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS:

J. Lastowski made a motion, seconded by P. Nish, to approve Check Listing, dated 08/17/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

AMENDMENTS TO AGENDA: G. Schuster noted the Conditional Use hearing for Pocono Manor Sign' Plazas (11.A) has been moved up to after the Emergency Service's report.

PUBLIC COMMENT: Heino Fetti spoke concerning his elderly mother whom lives on Gravatt's Way. The paving contractor closed the roadway without notifying emergency services of the road closure and the visiting nurse and meals on wheels were denied access to his mother. He thanked the Pocono Township Police Officers for helping the services have access to his Mother's home. Jeff Clapper, Public Works Director, noted public works employees were not on site during the paving of Gravett's Way at the time. He will contact the contractor to discuss the incident. H. Fetti noted it was not the Township but the contractor he had issues with and hoped in the future, the Township would require contractors to notify of residents for road closures.

REPORT OF THE PRESIDENT:

Rich Wielebinski, President, noted he attended the meeting for Gypsy Moth spraying on 08/12/2015. He explained the process for surveying properties for egg masses. Monroe County has contracted with the state for the 2016 spraying. Applications for surveying of properties for egg masses can be found on the Township website - www.poconopa.gov or the County's website - www.co.monroe.pa.us

Jerry Lastowski, Vice President, reported on a meeting with Kalahari concerning the recent problems at Pump Station #1. He commended Mark Ambrose, Twp. engineer, for handling the meeting and Phyllis Haase for her work. He noted all parties are working together to fix the problem and will be meeting every two weeks until the problems are resolved.

Tom Felver, Commissioner, absent.

Peter Nish, Commissioner, no comment.

Brad Wise, Commissioner, reported the sewer committee meets the 1st and 3rd Tuesday at 9:00 a.m. at the Pocono Township Municipal Building.

REPORTS:

Emergency Services -

Pocono Township Police Chief Kent Werkheiser reported 429 incidents in July with 45 criminal arrests. A full copy of his report is on file.

J. Lastowski congratulated the Police Department for the recent arrests in the prostitution investigation.

Pocono Township Volunteer Fire Co. - absent.

Central Pocono Ambulance Association Manager Linda Smith reported on 250 dispatches.

CONDITIONAL USE HEARING POCONO MANOR SIGN PLAZAS - Donna Kenderline, Court Reporter, present.

Conditional Use hearing for Pocono Manor Sign Plazas - R. Wielebinski opened the hearing. L. DeVito explained Pocono Manor has submitted applications for two sign plazas. Ralph Matergia, Solicitor for applicant, called Jim Cahill, Managing partner, Pocono Manor. J. Cahill explained the entrance was changed and a new roadway installed as part of the realignment for the Kalahari Resort. The new sign plazas are needed to direct traffic to the Inn and Carriage House. The signs are in the existing style of the Manor's Historic District. B. Wise questioned the location of the sign's support in the water easement. J. Cahill noted the support will be moved out of the easement. Discussion followed. Hearing no other comments, R. Wielebinski closed the hearing.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Conditional Use applications for two sign plazas for Pocono Manor with conditions:

- 1) Sign plaza to be located outside of the water easement.
- 2) Landscaping description to be provided.
- 3) 3rd Party Structural review if required.
- 4) Signs to comply with all other Township Ordinances and permitting requirements.

Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

ADMINISTRATION:

Pocono Township Manager Gregg Schuster reviewed his report and noted PennDOT will host a public meeting in the winter to show options for the Rt. 715 realignment project.

Monument at TLC - P. Nish made a motion to send a letter of objection to PennDOT concerning the moving of the War Memorial at TLC. Motion failed for lack of second.

- a) Fee waiver request for fundraiser at Mt. View Park - G. Schuster explained Vincent Trapasso requested the fees be waived for a Fund raiser soft ball game between Barley Creek and Desaki Restaurant with proceeds benefiting the Salvation Army and Pocono Township Bicentennial. J. Lastowski made a motion, seconded by R. Wielebinski, to grant the request for fee waiver for the Barley Creek, Desaki restaurant fund raiser. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried.
- b) Treasurer position - G. Schuster explained after researching the position, he recommended the salary be set at \$53,000.00 per year, with the Treasurer paying 10% of the premium cost share of health care coverage. R. Wielebinski made a motion, seconded by P. Nish, to approve the set the salary of the Township Treasurer, Regina Zuvich at \$53,000.00 per year, with the Treasurer paying 10% of the premium cost share of health care coverage. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, no. Motion carried.
- c) Prescription drug benefit program - G. Schuster explained the program is for underinsured residents in the Township. He noted he was involved with the program before and the company does offer other insurance to residents. L. DeVito, Twp. Solicitor, cautioned the Board not to become involved with private businesses. J. Lastowski expressed concern that the Township may seem they are endorsing a private business. The Board concurred not to take any action.

Township Engineer Tim Edinger -

- a) Northridge at Camelback Escrow Release - T. Edinger recommended approval of the release. R. Wielebinski made a motion, seconded by J. Lastowski, to approve Northridge at Camelback Phases 11-16, request for reduction of escrow #12, in the amount of \$178,185.33. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Township Solicitor Leo DeVito -

- a) Tobyhanna condemnation request - L. DeVito, Twp. Solicitor, explained the condemnations related to the Kalahari project. The Intergovernmental agreement allows Tobyhanna Township to condemn properties in Pocono Township for the sewer connection. The resolutions for condemnations were passed by Tobyhanna Township on 08/10/2015 for 4 properties - Craig Becker, Jimmy Schier, Cornelius J. Snoeren, and the Lands of The Spirit of Swiftwater. L. DeVito noted the easements are the same as Pocono Township's easement for the sewer line and the cost of acquiring the new easements will be bore by Tobyhanna Township.
J. Lastowski motion, seconded by B. Wise to approve:
Resolution 2015-54 - Craig Becker Condemnation
Resolution 2015-55 - Jimmy Schier Condemnation
Resolution 2015-56 - Cornelius J. Snoeren Condemnation
Resolution 2015-57 - Lands of The Spirit of Swiftwater Condemnation
Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried.
- b) PJJWA draft MOU - L. DeVito explained BCRA is in the process of acquiring the Pocono Jackson Joint Water Authority. The Memorandum of Understanding will set the terms of the agreement. G. Schuster noted rates for current PJJWA customers will remain the same. No action taken.

Township Treasurer Regina Zuvich gave her report for July. She noted the budget was on track. General fund income was at 80% due to increase permits from BIU, recycling grant and sale of surplus property. No major expenses were made. She noted sewer operating was low due to the lack of hookups but anticipated to be higher once the repair to the line is made.

PRESENTATIONS:

- A) Resolution 2015-58 - Wendy's Land Development Plan - Ralph Matergia, Solicitor, and Peter Terry, Benchmark, Inc. represented the plan. P. Terry noted they revised the plan as per PennDOT's requirements and the Twp. Engineer's comment letter of 07/27/2015. The Planning Commission recommended approval of the plan at their 07/27/2015 meeting and the RFMs from SALDO Sec. 2.106 & 2.200 Preliminary/Final, and Sec. 3.207.B - drainage easements, and two deferrals - SALDO Sec. 3.608 - sidewalks and 3.135.B - street trees. Discussion followed concerning sidewalks, streetscapes and the future development of Rt. 611. R. Wielebinski made a motion, seconded by J. Lastowski, to

approve Resolution 2015-58 - Wendy's Land Development Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

ORDINANCES: None

PUBLIC COMMENT: Heidi Pickard, Pocono Mountain Regional EMS, Tobyhanna Township, noted her Board is considering submitting a Request for Proposal for Ambulance service to Pocono Township. She suggested the Township consider more than one ambulance services if the Board considers a for profit ambulance service.

ADJOURNMENT INTO EXECUTIVE SESSION:

R. Wielebinski made a motion, seconded by P. Nish, to adjourn the meeting into executive session at 9:50 p.m., to discuss potential sewer litigation. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Respectfully Submitted
Pamela Finkbeiner
Township Secretary