

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 21st, 2015 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 09/21/2015 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Richard Wielebinski at 7:00 p.m. followed by the Pledge of Allegiance.

ROLL CALL: Rich Wielebinski, present; Jerry Lastowski, present; Tom Felver, present; 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:

Volunteers are needed to serve on the Building Board of Appeals.

A Board of Commissioners meeting will be held on October 5, 2015, at 5:00 PM to review progress to date on the sewer system redesign project by T&M Associates.

A Board of Commissioners meeting will be held on October 6, 2015, at 5:00 PM to interview the organizations that responded to the ambulance service RFP.

The revised fee schedule adopted at the last meeting had a slight typo. The fees listed in sections II.A.a. and II.A.b. (Zoning Permits) should be \$.25 sq. ft. and \$.10 sq. ft., not \$25 and \$10.

MINUTES:

J. Lastowski made a motion, seconded by T. Felver, to approve the Commissioners regular meeting minutes of 09/08/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes, P. Nish, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS:

P. Finkbeiner noted the addition of the final payment for the 2010 Skid loader (debt service) was added to the bill's list.

T. Felver made a motion, seconded by R. Wielebinski, to approve Check Listing, dated 09/21/2015. J. Lastowski questioned the Willington Trust (Camelback TIF) payment. G. Schuster recommended an informational meeting with Pocono Mountain Economic Development Corporation to explain the TIF process. T. Felver noted Pocono Twp. has two TIF's - Sanofi Pasteur and Camelback at present. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

AMENDMENTS TO AGENDA:

G. Schuster noted an executive session will be held directly after the meeting to discuss sewer litigation.

PUBLIC COMMENT:

Judi Coover, Twp. resident, asked the status of the MOU for C. Castle. L.DeVito explained it has been discussed with the sewer committee and is under review.

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

Jerry Lastowski, Vice President, explained he is trying to contact Harold Ernsberger, HJP Park Director, to discuss a request for funding in 2016. Meetings are held every other week with Kalahari and at the last meeting it was announced agreements had been made with the property owners under condemnation.

Tom Felver, Commissioner, noted Rt. 314 will be opened by Friday, 09/25/2015.

Peter Nish, Commissioner, announced Fall cleanup is this Thursday - 09/24/2015, Friday - 09/25/2015, and Saturday - 09/26/2015.

He questioned the legality of the man standing along Rt. 611 (Scotrun Exit) advertising a local restaurant. Discussion followed. Kent Werkheiser, Pocono Township Police Chief, will investigate if the State allows 'human' advertising in state right-of-ways. Live scan fingerprinting - K. Werkheiser noted Central booking uses the Live Scan Fingerprinting.

Brad Wise, Commissioner, reported on the preconstruction meeting with Marona Construction for the repair of the hump. MCCD, PennDOT, and DEP attended the meeting. Contract documentation has been sent to the Twp. Solicitor for review. Once a favorable review is received the Notice to proceed will be issued. Mobilization is scheduled for shortly after the 1st of October, excavation to start mid-October, with a completion date of mid-March, 2016.

T. Felver questioned if trucks with wide loads will be able to use Rt. 611 during the hump repair. B. Wise noted loads up to 16' will be allowed. T. Felver questioned if Learn Road will be closed. B. Wise explained Learn Road will be closed during construction with detours to the businesses. G. Schuster explained he has requested Mark Ambrose, Twp. Engineer, to prepare a list of roadway closures.

F&F Paving's repair work in the Swiftwater Creek will be done by Friday. Wilkie Road stabilization and repair work should be done by next week.

REPORTS:Emergency services -

Pocono Township Police Chief Kent Werkheiser reported 450 incidents investigated, 78 burglar alarms, 129 traffic citations, and others. A full copy of his report is on file. A police officer was involved in an accident and is expected back to work this week.

REPORTS CONT:

Pocono Township Fire Chief Mike Shay introduced assistant Chief Brad Harrison. The department responded to 40 automatic alarms, 8 structure fires, a child in a vending machine, and various other calls for a total of 95 calls in July and August. He noted a successful carnival in July. Pocono Township will host Community Day on October 3rd along with the Pocono Township Police and Central Pocono Ambulance Association. Fire Company will have an open house, October 11th. He explained the ISO rating for the Township has gone down which will reduce homeowner's insurance rates next year.

Central Pocono Ambulance Association Manager Linda Smith reported 133 calls for Pocono Township, 34 Jackson, 30 Hamilton Township, and 29 mutual aids for August. She noted the Audit report has been delayed for three weeks due to the Auditor requesting more time.

L. Smith questioned RFPs for ambulance services and a need for a public meeting to review the RFPs. She expressed concern that they were not informed the other ambulance services would attend the last meeting. L. DeVito noted the last meeting was to discuss the process for interviewing the Ambulance services not interviewing. She noted they met with Jerry Lastowski, Peter Nish, Gregg Schuster and the Ambulance Board and the issue was resolved concerning the donation. She was concerned by J. Lastowski statements on 09/08/2015. J. Lastowski noted the use of donation monies was originally one of the issues but it has been resolved. L. Smith stated that CPA had never refused to sign the agreement. G. Schuster stated C.P.A. was correct and has never refused to sign the agreements. Discussion concerning misstatements in the Pocono Record. G. Schuster noted the Township cannot be held responsible or control Pocono Record articles. L. Smith inquired if the Board had made a decision already on Ambulance Service. J. Lastowski stated a decision has not been made and he wished to see Central Pocono Ambulance succeed. L. Smith noted the Ambulance has been hit hard by the negative articles and statements. J. Lastowski noted the audit was requested in January and the Township has still not received it. Discussion followed.

Administration

Pocono Township Manager Gregg Schuster reviewed his report.

2016 Budget - will be released later in the week. A special meeting to review the draft was tentatively set for Wednesday, 10/14/2015 at 5:00 p.m.

Township Engineer Tim Edinger -

MS4 Designation - T. Edinger explained the MS4 designation and the action plan for the MS-4 Program:

- 1) Public Outreach and Education
- 2) Public Participation and Involvement
- 3) Illicit Discharge and Detection which include monitoring and field verify outfalls.
- 4) Construction Site Stormwater Runoff
- 5) Post Construction Stormwater Management in new and redevelopment.

TWP. ENGINEER REPORT CONT:

6) Pollution Prevention and Good Housekeeping - including identifying and documenting facilities, developing and implementing a O&M Program.

Tim Edinger presented a map showing approximately 25% of the Township is in the MS-4 area. He recommended his office meet with Jeffry Clapper, Public Works Director and Gregg Schuster, to review the outline and take steps needed to comply in the next two years. B. Wise expressed concern that several streams maybe reclassified to a higher standards. T. Edinger noted that the Township has mapping of drainage. Discussion followed. T. Felver stated DEP is hosting workshops to assist Townships concerning MS4 designation. He noted the Township has two and one half year to comply and 180 days after notice is received. B. Wise recommended the Township move forward with the survey. G. Schuster noted the recommendations are to inform the board, not to take action on. He will meet with T. Edinger and J. Clapper to decide how to move forward. T. Felver noted it needs to be included in the Budget to go forward. No action taken.

Stadden Road - T. Edinger explained the work is almost complete.

Spa Castle - He met with Spa Castle concerning utility placement of sewer, water and hydrant placement. He asked Deanna Schmoyer to update the board. D. Schmoyer spoke concerning the status of the Act 537 Plan and supplement information requested. They are waiting on clarification of the Pump Station ownership and a letter from the Township SEO. T. Edinger noted Mark Ambrose, Twp. Engineer is working with Dave Manter, Twp. SEO and a letter should be sent shortly. Doug Olmsted asked if the Township needed additional information concerning ownership of the Pump Station. T. Felver requested additional information before any discussion by the board. L. DeVito explained the questions are being addressed by the Twp. Professional Staff. He noted DEP may require properties along the gravity portion of the line to hookup.

D. Schmoyer noted two meetings have been held with PennDOT as part of the Traffic study. Intersection analysis has been completed as required by PennDOT. B. Wise expressed concern over the road from Birchwood to Analomink. D. Schmoyer explained they are working with the mapping companies to direct people to Rt. 715. She noted once all the requirements are completed the Traffic study will be submitted to the Township.

G. Schuster, Twp. Manager, questioned if Spa Castle would be applying for TIF. Doug Olmsted noted at this point in time, they would not apply for a TIF. He explained that to pursue a TIF it would require County Commissioners, Township Commissioners, and School District approval.

Township Solicitor Leo DeVito

- A) Marchenko Appeal - L. DeVito explained Monroe County Judge Zulich upheld the Zoning Hearing Board ruling. Marchenko has 30 days to appeal, after which time the Township may issue an enforcement notice and impose fines if the property is used for short term rentals.

TWP. SOLICITOR CONTINUED:

B) AAA Pocono Real Estate, LLC and Top Real Estate & Management LLC ZHB Appeals - L. DeVito explained the Township received two Zoning Appeal Applications. He requested direction if the Board would require his presence at the hearing to represent the Zoning Officer. R. Wielebinski made a motion, seconded by T. Felver, to authorize the Twp. Solicitor to represent the Township at the AAA Pocono Real Estate, LLC and Top Real Estate & Management LLC, ZHB Appeals. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

B. Wise and J. Lastowski requested the zoning ordinance to be strengthened to prevent any future 'party homes' that may cause issues for the residents. Discussion followed.

C) NJ Boom ZHB Appeal - L. DeVito explained the company is allowed light industrial use of the property but over a period of time the use has expanded to heavy industrial. A notice of violation was issued. He requested the board's direction if he should attend. R. Wielebinski made a motion, seconded by B. Wise, to authorize the Twp. Solicitor to represent the Zoning Officer at the NJ Boom ZHB Appeal. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

D) Request from ZHB Solicitor Todd Weitzmann to represent Stroudsburg Borough for potential sewage treatment capacity acquisition. L. DeVito explained that Ralph Matergia, Stroudsburg Borough's Solicitor, has a conflict and Stroudsburg Borough has suggested Todd Weitzmann as Special Solicitor. L. DeVito was contacted by T. Weitzmann to ask direction if the Board felt it would be a conflict, since he is Pocono Twp. ZHB solicitor. Spa Castle will pay the costs. G. Schuster noted if any matter concerning Spa Castle came before the ZHB board, T. Weitzmann would step down. The Board had no objection.

Township Treasurer Gina Zuvich reviewed the August treasurer's report. She noted the real estate tax was low in August. The TIF money will show in September. EIT was on average with last year. General fund income on track with the BIU permits fees as a large amount of the income. She noted the Twp. is approximately 85% of the budget. Expenses are on average. Sewer Operating will be up next year once the repair to the hump is completed.

PRESENTATIONS

Resolution 2015-61 - Carriage House LDP - Andy Woods, Art Swallow Engineering, represented the plan. The project is for a new façade and driveway for the Carriage House LDP. The Pocono Township Planning Commission recommended approval at their 08/24/2015 meeting. The P.C. recommended approval of the RFM requests.

R. Wielebinski made a motion, seconded by P. Nish, to adopt Resolution 2015-61 - Carriage House LDP. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, abstained; P. Nish, yes; and B. Wise, yes. Motion carried.

RESOLUTIONS:

Resolution 2015-62 - Approving agreement with PFM - Police Pension - G. Schuster explained the process for the appointment of PFM for the Police Pension fund. R. Wielebinski made a motion, seconded by T. Felver, adopting Resolution 2015-62 - PFM agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-63 - Approving an agreement with U.S. Bank - G. Schuster noted the agreement is being reviewed by Jens Damgaard. R. Wielebinski made a motion, seconded by T. Felver, to adopt Resolution 2015-63 - Agreement with U.S. Bank conditioned upon a favorable review by Jens Damgaard, Township Fund Solicitor. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-64 - Termination of services with BNY Mellon. R. Wielebinski made a motion, seconded by T. Felver, to adopt Resolution 2015-64 - Termination of services with BNY Bank. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-65 - accepting a portion of Lakeview Lane - R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2015-65 -accepting a portion of Lakeview Lane located in Summit Heights Subdivision. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-66 - Supplemental Appropriations - R. Wielebinski made a motion seconded by J. Lastowski, to adopt Resolution 2015-66 Supplemental Appropriations. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-67 - LSA Grant for Police in car and body cameras - T. Edinger, Twp. Engineer, explained the LSA Grant is to purchase Car and Body Cameras for the Police Department. He noted the grants are competitive and recommended the Board consider a match for the funds requested. Discussion followed. The Board concurred to include a \$15,000.00 match for the LSA grant application. G. Schuster noted T&M Associates is not charging for their services. P. Nish made a motion, seconded by B. Wise, to adopt and amend Resolution 2015-66 LSA grant to include \$15,000.00 matching funds from the Township funds. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

ADJOURNMENT INTO EXECUTIVE SESSION:

R. Wielebinski made a motion, seconded by P. Nish, to adjourn the meeting into executive session to discussion sewer litigation at 9:06 p.m., until 10/05/2015 at the Pocono Township Municipal Building, Tannersville, PA. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Respectfully submitted

Pamela Finkbeiner, Township Secretary