

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**REGULAR MEETING MINUTES**

**APRIL 16<sup>th</sup>, 2018 6:45 P.M.**

The Regular meeting of the Pocono Township Commissioners was held on Monday April 16<sup>th</sup>, 2018 at the St, Luke's Ambulance Building, Tannersville, PA, and was opened by President Gerald Lastowski at 6:45 p.m., followed by the Pledge of Allegiance.

**ROLL CALL:** Gerald Lastowski, present; Bob M. DeYoung, present; Harold Werkheiser, absent; Richard Wielebinski, present; and Jerrod Belvin, present.

**IN ATTENDANCE:**

Lisa Pereira, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; Donna Asure, Township Manager; and Pamela Tripus, Township Secretary, were present.

**PUBLIC COMMENT:** J. Lastowski, explained the Board's policy for public comment.

Annabella Lastowski, Twp. resident, spoke on behalf of the library. She noted she met with the librarian and explained the library's benefits to the Township residents. She asked the Township and Board to continue to support the library.

Barth Rubins, property owner on Rt. 715, spoke concerning PennDOT's plan to realign Rt. 715 and his difficulty in obtaining a PennDOT HOP due to the realignment. He spoke in favor of moving it through the TLC property.

B. Rubins requested to meet with the BOC to discuss. J. Lastowski suggested he contact the Twp. Manager to set up a meeting. J. Lastowski noted the Township has not been able to influence PennDOT in the past. Christopher Ortolan, Twp. resident, requested the Board allow public comment for the presentation by Airpark Resort (Spa Castle), and the legal obligation for the Twp. to address sewer issues.

Gene Percudani, owner of the Citizen's bank property and other Township properties, spoke in favor of Township requesting PennDOT move the 715 realignment to the TLC property, noting the toxic ponds at TLC and the no longer need for the foot bridge. J. Lastowski explained the ponds and soil were recently tested and no contamination was found. He requested to meet with the Board to discuss.

J. Lastowski thanked the residents for their comments.

**INTERVIEW FOR CIVIL SERVICE COMMISSION:**

James J. Moloughney, Tannersville, PA, was interviewed for the Civil Service Alternate position. He noted his experience as litigator and mediator and his ability to be available for the meetings since he has retired.

**ANNOUNCEMENTS:**

Change of Dates for May Meetings:

April 30<sup>th</sup> - 6:00 p.m. - Sewer Meeting

April 30<sup>th</sup> - 7:00 p.m. - Regular Meeting (rescheduled from May 7<sup>th</sup>)

May 15<sup>th</sup> - 7:00 p.m. - Regular Meeting (rescheduled from May 21<sup>st</sup>)

**PRESENTATIONS:**

Airpark Resort (formerly Spa Castle) - Deanna Schmoyer and David Wieller, Borton-Lawson, Inc. represented Airpark Resort. D. Schmoyer explained previously the project requested 250,000 GPDs into the stream based on DEP criteria. C. Castle has revised the plan to reduce the size of the project. The existing resort buildings and cottages will be renovated and the number of units will be reduced to 260 in total. DEP approved 125,000 gallons on lot sewer disposal. D. Wieller explained the waste water treatment plant can discharge into the stream or by spray and/or drip irrigation, or connect to the Township's sewer system. D. Schmoyer requested the Board consider allowing the project to connect to the Township sewer system.

J. Lastowski questioned if BCRA was contacted. D. Schmoyer noted they have discussed the project with BCRA. R. Wielebinski questioned where the water line would run. D. Wieller noted it would be along the sewer line if granted. J. Lastowski noted the Board would discuss their request at the next sewer meeting.

R. Wielebinski questioned if they would repave the roadways if the Township allowed them to connect. D. Schmoyer noted they would repave.

R. Wielebinski questioned odor control for spray irrigation. D. Schmoyer noted it would be clean water from the WWTP.

J. Lastowski questioned what the resort will be used for. D. Schmoyer noted the family vacations, natural areas, restaurants, observatory, and possible conference rooms.

J. Belvin questioned if it would be time share units. D. Schmoyer explained there are no time share units.

R. Wielebinski requested a site tour for the Board. D. Schmoyer will arrange with the Twp. Manager.

J. Belvin made a motion, seconded by R. Wielebinski, to suspend the policy for public comment at only the beginning and end of meeting and allow public comment.

Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Tom Olsen, Twp. resident, questioned the aviation easement. D. Schmoyer noted the airport will not be used.

Patti Niles, Twp. resident, questioned to whom the resort will be marketed. D. Schmoyer noted it will be for family vacations.

Robert Gornicz, Twp. resident, questioned the original amount of units and sewer use. D. Schmoyer explained during the time Birchwood resort operated, DEP sewer regulations were not as strict. DEP now requires 400 gallons per day are required per unit.

Karen Figgures, Twp. resident, questioned how a drip system is determined. D. Wieller explained the soil testing determines the way sewer may be treated.

**MINUTES:**

R. Wielebinski made a motion, seconded by J. Belvin, to approve the Board of Commissioners 04/02/2018 regular minutes.

Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, abstained; and J. Belvin, yes. Motion carried.

**PERSONNEL:****PARK-**

R. Wielebinski made a motion, seconded by J. Lastowski, to rehire Catherine Needham as seasonal park employee for Pocono Township Parks at a rate of \$13.00 per hour, for not more than 32 hours per week, effective Wednesday, April 21<sup>st</sup>, 2018.

Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**POLICE -**

B. DeYoung made a motion, seconded by J. Belvin, to offer a conditional offer of employment to the following three police officer candidates, as recommended by the Civil Service Commission and pending outcome of additional testing to:

Ryan Melley

James Scott

Joseph Bianchi

J. Lastowski requested Pocono Township Chief of Police, Kent Werkheiser, reach out to the officers near retirement. J. Lastowski noted if any officer is considering retirement, he would be in favor of an additional hire. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**PUBLIC WORKS -**

J. Lastowski made a motion, seconded by R. Wielebinski, to approve Phillip Starner medical Leave of Absence through May 29<sup>th</sup>, 2018, conditioned upon a full medical release to return to work. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to grant FMLA leave of Absence for Ed Getz beginning April 19<sup>th</sup>, 2018 for approximately 4 to 6 weeks. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**FINANCIAL TRANSACTIONS:**

J. Lastowski made a motion, seconded by R. Wielebinski, to ratify vouchers payable for the period ending 04/13/2018 in the amount of \$579.72. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to ratify gross payroll totaling \$100,972.00 for pay period ending 04/08/2018. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve vouchers payable totaling \$364,745.97 for period ending 04/08/2018. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the submittal of invoices for reimbursement through LSA grant in the amount of \$109,214.00. R. Wielebinski confirmed it was for the Police Vehicles. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**TRAVEL/TRAINING AUTHORIZATIONS**

R. Wielebinski a motion, seconded by J. Lastowski, to approve Commissioner Jerrod Belvin attending the PSATC Annual Conference June 21<sup>st</sup> to 24<sup>th</sup>, 2018 at Skytop Lodge including registration and day attendance costs of approximately \$200.00. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, abstained. Motion carried.

**REPORT OF THE PRESIDENT:**

Gerald Lastowski, President

Library Space - J. Lastowski explained the Board wishes to discuss expanding the current library space so that the residents and taxpayers get the best service. J. Lastowski explained last year under the previous board, it was discovered that approximately \$250,000 was collected through taxes for the small branch. He requested the Board open a dialog with the Eastern Monroe Public Library to make the Pocono Branch Library bigger and better for the residents. J. Lastowski noted the Township is in the process of reviewing all the buildings to determine future needs.

J. Lastowski made a motion, seconded by B. DeYoung, for the Board to sanction a subcommittee to open a dialog with Eastern Monroe Public Library with regards to the Pocono Township branch and its future. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin noted he met with some from the Library and was concern the Twp. may lose the Library if they were to move and be required to pay rent. For that reason he voted no. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to suspend the policy for public comment at only the beginning and end of meeting and allow public comment. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Richard Picone, Twp. Resident, spoke on the use of the empty school building for additional office space and the library. Annabella Lastowski, PMSD Board member, noted Pocono Elementary Center will be used for school programs.

R. Wielebinski noted he did not have any intention of moving the Library out of the Township building.

**COMMISSIONERS REPORTS:**

Robert M. DeYoung, Vice - President - no report.

Harold Werkheiser, Commissioner - absent.

## COMMISSIONER COMMENTS CONT:

Richard Wielebinski, Commissioner -

Lot 1 Route 611 - R. Wielebinski thanked the property owner for removing the structure.

2765 Route 611 - R. Wielebinski made a motion, seconded by J. Lastowski, to authorize the Township Solicitor and the Zoning Officer to proceed in taking the owner to the magistrate to remove the dangerous structures. Ellen Gandt, Twp. resident, questioned the cost to the Township. Patti Niles, Twp. resident, thanked the Board for pursuing removal of dangerous structures. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Lot 2 Sullivan Trail and 2812 Bartonsville Ave - R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Zoning Officer to send notice to the property owners enforcing the Ordinance. J. Lastowski opened to public comment. No comments were made. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

2990 Rt. 611 - Warner Road/611 -

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Twp. Zoning Officer and Twp. Solicitor, to proceed with action to enforce the notice of violation. J. Lastowski opened to public comment. No comments were made. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Civil Service Alternate -

R. Wielebinski made a motion, seconded by J. Lastowski, to appoint James J. Moloughney, as Civil Service Alternate for a term expiring 12/31/2019. J. Lastowski opened to public comment. No comments were made. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Jerrod Belvin, Commissioner -

Amusement Tax Ordinance - J. Belvin explained with the growth in Tobyhanna and other areas, the tourist industry places a hardship on the Township EMS resources. R. Wielebinski note the tax would be on ticket sales.

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor to prepare an Amusement Tax Ordinance. J. Lastowski questioned the type of amusement tax. J. Belvin noted his motion is for the Solicitor to take the lead in drafting an ordinance to fit Pocono Township's needs. J. Lastowski noted the amusement tax should be on ticket sales.

Nathan Laubach, business owner, noted due to the impact of tourist traffic on Friday afternoons, it has caused him to close his office and lose business revenue.

Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**COMMISSIONER BELVIN CONT:**

IUP Safety Study - No action.

Invasive Species - J. Belvin noted Monroe County is in quarantine for the Spotted Lanternfly. He noted Vector Control has provided information on the invasive species affecting our township.

**REPORTS:****EMERGENCY SERVICES-**

Police Department - K. Werkheiser, Pocono Township Police Chief, gave his report noting 944 incidents for March. A full copy of his report is on file and available at the Township Building.

EMS - Rodney Wolfe, St. Luke's Director of Operations, gave his report noting 116 EMS calls for March. He introduced Brad Harrison who will replace him as St. Luke's Emergency and Transport Services Monroe Regional Manager. R. Wielebinski questioned when the subscription will be available. R. Wolfe noted it runs from May to May and should be sent to residents soon.

Fire Company - Brad Harrison, Fire Chief, noted 69 calls for March for a total of 147 call for 2018 (01/01 to 03/31/2018). He announced the Carnival dates are July 16<sup>th</sup> to July 21<sup>st</sup> with a 2018 Subaru Crosstrek as the vehicle raffle car.

Park Board - Nathan Laubach, Park secretary, thanked the Township for working to clean up the park so it may be opened.

Ballfields are being prepared and Pavilion rentals through RecDesk have generated \$2,050 in revenue.

He requested the Board consider the Logo sample for approval.

2018 MOU with NCC - J. Lastowski made a motion, seconded by J. Belvin, to enter into an MOU with NCC for the 2018 season. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Finance Committee - No report

Sewer Committee -

Kalahari - 2017 Check for overages was received in the amount of \$151,368.00.

BCRA rerate - J. Lastowski noted the Township has met with BCRA and Tobyhanna concerning Tobyhanna Township's expansion plans and requests for sewer capacity. He noted it is up to Pocono Township to approve the sewer capacity on the Twp. lines. BCRA would rerate the sewer plant for an additional 1.5 million gallons. J. Lastowski made a motion, seconded by B. DeYoung, to look favorable in helping Tobyhanna with their sewer capacity conditioned upon a favorable agreement with BCRA. J. Lastowski noted BCRA wishes to be the seller of the EDUs which would mean BCRA receives the tapping fees and user fees.

**BCRA RERATES CONT:**

Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried. Ellen Gndt, commented on the sunshine law.

Richard Picone, Twp. resident, questioned the cost of maintenance for the additional flows. J. Lastowski noted it would be part of the agreement.

Jennifer Wise-Werkheiser, Twp. resident, questioned the rerate and if it will impact daily usage for residents. J. Lastowski noted it will be reviewed in the agreement.

Ellen Gndt, Twp. resident, questioned the cost to the Township. J. Lastowski noted the burden of cost is on Tobyhanna.

Administration - Manager's Report -

Monroe County Tax Collection Committee - opposing House Resolution 291 D.ASURE, Twp. Manager, explained there is an effort for the State Department of Revenue to collect Local Earned Income Tax.

Letter of Support for NCC Grant - D.ASURE, Twp. Manager, explained NCC is applying for a grant to build a walking trail around their campus.

J. Lastowski made a motion, seconded by B. DeYoung, to authorize the Twp. Manager, to send a letter of support for the NCC submittal of a grant proposal for a walking trail around the campus. Annabella Lastowski, Twp. resident, questioned the Township's liability. Dee Raneri, NCC, noted it will be NCC's responsibility for the liability and policing of the trail. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

2011 Ford Crown Victoria

R. Wielebinski made a motion, seconded by B. DeYoung, to award the sale of the 2011 Ford Crown Victoria to Peter Bajuz in the amount of \$1,325.00 as highest bidder on Municibid. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

2013 Ford Interceptor

R. Wielebinski made a motion, seconded by J. Lastowski, to award the sale of the 2013 Ford Interceptor to Michael Bearer in the amount of \$4,756.00 as highest bidder on Municibid. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Cameltop Lodge at Camelback

R. Wielebinski Made a motion, seconded by J. Belvin, to authorize the Twp. Manager to send a letter to DEP confirming that Cameltop Lodge is in the Camelback WWTP service area as confirmed by the Zoning Officer. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Public Works Report -Single Axle Truck

J. Lastowski made a motion, seconded by R. Wielebinski, to award the purchase of a Single Axle Truck to Hunter Keystone Peterbilt for \$93,991.00 as per co-star quote. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, abstained; and J. Belvin, yes. Motion carried.

Single Axle Truck Body

R. Wielebinski made a motion, seconded by J. Belvin, to award the purchase of a Single Axle Truck Body to E.M. Kutz for \$64,661.00 as per co-star quote. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Tandem Truck

J. Lastowski made a motion, seconded by R. Wielebinski, to award the purchase of a Tandem Truck to Hunter Keystone Peterbilt for \$127,706.00 as per co-star quote. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, abstained; and J. Belvin, yes. Motion carried.

Tandem Truck Body

R. Wielebinski made a motion, seconded by J. Lastowski, to award the purchase of a Tandem Truck Body to E.M. Kutz for \$70,489.0 as per co-star quote. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**TOWNSHIP ENGINEER REPORT:**

Status Report on Sewer Redesign - Valve #1 is up and running and Valve Station #2 should be completed by the end of the week.

Route 611 Sewer Line Relocation Work Update - J. Tresslar, Twp. Engineer, noted he met with PennDOT and should have additional information soon.

Sanofi Sanitary Sewer Easement - no report.

Enclosure for Valve Station #5 - J. Tresslar, Twp. Engineer, noted the Bid will be opened 5/23/2018.

White Oak Culvert replacement project - J. Tresslar, Twp. Engineer, explained plans were given to Robert Sargent, Road Supervisor and the plan were submitted to DEP for the permit.

Fish Hill Road Storm System Notice of Violation from MCCD - J. Tresslar, Twp. Engineer, noted he has been working with MCCD to resolve the violation. He explained the stilling basin has filled with grit material and will need to be cleaned as well as the culverts. The drainpipe under the Church's driveway has collapsed and will need replacement. R. Wielebinski questioned if the Township could obtain quotes for cleaning of the culverts in the Township.



Payment Application No. 7 - Milnes Company

J. Lastowski a motion, seconded by B. DeYoung, to approve Payment Application No. 7 to the Milnes Company, in the amount of \$34,910.55 as recommended by Patrick Briegel and Boucher & James, Inc. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

TLC Bridge - J. Tresslar, Twp. Engineer, noted will have a cost estimate by the next meeting.

Interrupters - J. Tresslar noted the Township received the final mylars for the Township to sign. He estimated installation to be in the fall.

**TOWNSHIP SOLICITOR REPORT:**

Update on Exxon Monitoring Well Agreement - Lisa Pereira, Twp. Solicitor, explained they have not received a response from Lawrence Lopresti.

Codification Ordinance

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Twp. Solicitor to advertise a hearing for the Codification of Township Ordinances on May 15<sup>th</sup>, 2018 at 7:00 p.m. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Fontaine vs. Pocono Township

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the settlement with Fontaine vs Pocono Township. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**PUBLIC COMMENT:**

Duane Kerzic, property owner, questioned the Short Term Rental licenses and if other property owners were complying.  
J. Lastowski noted the Township is doing everything they can to find STR properties to enforce the ordinance.  
Christopher Ortolan, Twp. resident, questioned if a report could be included in the minutes for STRs. Michael Tripus, Twp. Zoning Officer, noted he submitted a report directly to the Board.  
Laurie Pryor, Twp. resident, questioned the safety inspection. D.ASURE, Twp. Manager, noted the Township is working with EHD for inspections for risk management.

**ADJOURNMENT INTO EXECUTIVE SESSION:**

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting into executive session to discuss a personnel matter at 9:05 p.m. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Respectfully submitted

Pamela Tripus, Township Secretary