

POCONO TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

APRIL 30th, 2018 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on Tuesday, 04/30/2018 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Gerald Lastowski at 7:00 p.m., followed by the Pledge of Allegiance.

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

IN ATTENDANCE:

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

ANNOUNCEMENTS:

- A) This meeting replaces the May 7th, 2018 Regular Board of Commissioners' meeting.
- B) Regular May 21th, 2018 Board of Commissioners' meeting will be held May 15th, 2018.
- C) Spring Cleanup is May 3rd, 4th, and 5th from 7:30 a.m. to 3:00 p.m.
- D) Peace Officers Memorial Day will be held May 15th from 4:00 p.m. to 8:00 p.m. at the TLC park.
- E) An executive session was held on April 19th, 2018 to discuss personnel and union negotiations.
- F) An executive session was held on April 26th, 2018 to discuss personnel and union negotiations.

PRESENTATION:

Resolution 2018-40 Eagle Scout Jared Thomas Cziko - J. Lastowski read the Resolution and commended Jared Cziko on behalf of the Board for his project and his dedication to the community.

J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2018-40 congratulating Jared Thomas Cziko for earning the rank of Eagle Scout. J. Lastowski opened the floor to public comment. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

PUBLIC COMMENT:

Diane Zwiefel, Twp. resident, spoke in favor of not expanding the burning hours. She provided the Board with information on the dangers of burning. J. Belvin, Commissioner, noted several residents requested additional times since they worked and/or were unable to burn at night or Saturday. Diane Zwiefel, Twp. resident, questioned if any changes to the ordinance would be by public hearing. L. DeVito, Twp. Solicitor, noted it would require a public hearing for adoption by the Board. Ellen Gandt, Twp. resident, questioned why a comment she made on the sunshine law at the last meeting was not included in the 04/16/2018 minutes.

PUBLIC COMMENT CONT:

Ellen Gndt, Twp. resident, questioned the continuing purchase of Bioxide. J. Tresslar, Twp. Engineer, explained once an enclosure is put in for Pump Station #5, the bioxide may not be reduced.

Ellen Gndt, Twp. resident, questioned why the same number was used for the Short Term Rental Ordinance as the Park Resolution.

MINUTES:

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 04/16/2018 regular meeting with the addition of Ellen Gndt's comment added to the minutes. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the minutes of the 04/25/2018 Work session meeting. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 04/26/2018 Work session meeting. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Ertle ZHB Appeal-

J. Lastowski made a motion, seconded by J. Belvin, to authorize Leo DeVito, Twp. Solicitor and Jon Tresslar, Twp. Engineer, to attend the Tuesday, May 29th, 2018 at 5:00 p.m., Zoning Hearing Board appeal of Ertle Enterprises, Inc. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

NEW BUSINESS:PersonnelConditional Employment offer -

J. Lastowski made a motion, seconded by R. Wielebinski, to offer conditional employment to two police officer candidates pending positive outcome of additional testing. Should the next two candidates on the eligibility list be unavailable, the Chief of Police will be authorized to go down the list of eligible candidates. R. Wielebinski questioned if the Township should consider an additional hire. J. Lastowski questioned the cost to hire additional officers. D. Asure, Twp. Manager, explained with an additional officer the cost would be approximately \$140,000.00 for the remainder of 2018 or \$125,000 per officer, per year for a full year's employment. J. Belvin noted he was concerned it may raise taxes if an additional hire was made and none of the current officers retired. Discussion followed on future needs, budget, and cost to create eligibility list. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to extend an offer of employment to Jeremiah Johnson and Brian Bird, pending a positive outcome of additional testing. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Financial Transactions-

R. Wielebinski made a motion, seconded by J. Lastowski, to ratify vouchers payable for the period ending 04/27/2018 in the amount of \$1,311.43. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to ratify gross payroll for pay period ending 04/22/2018 in the amount of \$74,955.74. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve voucher payables received through 04/27/2018 in the amount of \$77,361.95. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve Capital expenditures received through 04/27/2018 in the amount of \$14,504.39. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Capital Purchases

Mt. View Park project

R. Wielebinski made a motion, seconded by J. Belvin, to award the rubberized flooring project at Mountain View Park to the Playground Pros as the lowest of three quotes at \$12,375.00 for approximately 900 sq.ft., 2.5" deep rubberized flooring extending the Crossing Abilities play area, pending review of final agreement by the Twp. Solicitor. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Travel/Training Authorizations - None

REPORT OF THE PRESIDENT

Gerald Lastowski, President - No report

COMMISSIONERS COMMENTS

Robert M. DeYoung, Vice-President - absent

Harold Werkheiser, Commissioner - absent

Richard Wielebinski, Commissioner - No report

Jerrod Belvin, Commissioner -

Change of Burning times

J. Belvin made a motion, seconded by J. Lastowski, to table the revision to Ordinance #139 until the presented information is reviewed. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Dangerous Structures - 2975 Bartonsville Ave -

J. Belvin made a motion, seconded by J. Lastowski, to authorize the Zoning Officer to proceed with the dangerous structure process at 2975 Bartonsville Ave., which includes three dangerous structures. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

ACT 26 - J. Tresslar, Twp. Engineer, explained under the current Act 537 new developments are limited to three types of sewage systems - in ground, sand mounds and spray irrigation. Act 26 expands the choices to allow three additional alternates - micro mounds, drip, and at grade bed.

J. Belvin made a motion, seconded by J. Lastowski, to authorize the Twp. Engineer and Twp. Solicitor to prepare compliance documents to amend the Act 537 plan to adopt new changes from Act 26 into the Township Sewage Management Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

TLC Ball Fields

J. Belvin made a motion, seconded by J. Lastowski, to table repairs to the TLC ball field in the approximate amount of \$6,000 utilizing volunteers and offering road crew overtime, with money from the in-lieu fund. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

REPORTS:

Finance Committee

R. Wielebinski noted a work session with PFM was held on 4/25/2018 with Jens Damgaard, Eckert Seamans. J. Damgaard is recommending the Board consider reviewing phase two of the sewer service area.

Administration - Manager's Report

Medical Leave for Ed Getz has been postponed

ADMINISTRATION CONT:Eckert Seamans

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the President of the Board to sign the document to authorize continued representation by Jens H. Damgaard, whom is now with Eckert Seamans, Cherin & Mellott, LLC. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Public Works

D. Asure, Twp. Manager, noted Sanofi Pasteur is holding a charity event on 09/15/2018 at Mt. View Park, and the Township has waived the fees for the event.

Township Engineer Report

Status Report on Sewer Redesign - J. Tresslar, Twp. Engineer, noted Valve Station No. 1 is operating and is working as predicted.

Route 611 Sewer Line Relocation Work Update - J. Tresslar, Twp. Engineer, noted a meeting was held with PennDOT and discussion occurred on the lack of progress by the contractor. J. Lastowski requested J. Tresslar reach out to PennDOT to note the Township's disappointment with the lack of progress.

Sanofi Sanitary Sewer Easement - No report.

Enclosure for Valve Station #5 - J. Tresslar, Twp. Engineer, noted a pre-bid meeting was held. Bid opening will be 05/23/2018.

White Oak Culvert replacement project - The permit application was sent to DEP for review.

Fish Hill Road Storm System Notice of Violation from MCCC - J. Tresslar, Twp. Engineer, explained a contractor was contacted to vacuum the stilling basin and culvert. R. Wielebinski questioned if additional quotes were received. J. Lastowski asked if additional culverts should be included with the quote. Discussion followed. J. Tresslar noted it is estimated to take 10 hours at a cost of approximately \$2,500.00.

TLC Bridge - J. Tresslar, Twp. Engineer, noted a grant with a 15% match is available for the project through DCED. He estimates the cost to be approximately \$100,000 to \$125,000 to repair. He noted the abutment has lost a large piece, decking to be replaced, steel support beams need to be sand blasted and painted, etc. Discussion followed. J. Lastowski questioned PennDOT's plans and the possible impact on the TLC bridge. J. Lastowski made a motion, seconded by J. Belvin, to authorize the Township Engineer to proceed with the submittal of a DCED grant for the repair of the TLC bridge with a 15% match and engineering fees of approximately \$4,000 to \$5,000. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

TWP. ENGINEER REPORT CONT:

R. Wielebinski questioned the status of the interrupters. J. Tresslar noted they will go out to bid in August with installation expected in the fall.

Township Solicitor Report

Exxon Monitoring Wells Agreement - no report.

Host Compliance - L. DeVito, Twp. Solicitor, he had reviewed the agreement for Host Compliance.

R. Wielebinski made a motion, seconded by J. Belvin, to enter into a one-year agreement with Host Compliance for assistance in compiling data on Short Term Rental Properties in Pocono Township in the amount of \$5,843.00 contingent upon the Twp. Solicitor's review and changes. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Master Service Agreement - Site2 - L. DeVito, Twp. Solicitor, thanked Chris Ortolan for his assistance with the agreement. The company backs up the Township computers to a Cloud base system.

R. Wielebinski made a motion, seconded by J. Lastowski, to authorize the President of the Board to sign Master Service Agreement with Site 2 entering into a one-year agreement for backup IT service at \$210.00 per month. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Pocono Highlands Section 5 - L. DeVito, Twp. Solicitor, noted a request from John Dunn, Solicitor for Pocono Highlands to allow the land development plan to be 're-approved'. L. DeVito noted he met with J. Tresslar, Twp. Engineer, and the concern is the improvements were to be made within 5 years of the original approval. New development requires stormwater management which was not required in 1973. L. DeVito noted in essence the original plan is null and void since improvements were not completed. Joe Folsom, stake holder in Pocono Highlands, noted some lots were sold to private individuals. J. Lastowski suggested Pocono Highland's attorney reach out to L. DeVito.

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor to send a letter to Attorney John Dunn to note the Board considers the LDP for Pocono Highlands Sec 5 is null and void since the improvements were not completed within the 5 year after original approval. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

RESOLUTIONS

Resolution 2018-38 - Ertle Enterprises, Inc.

J. Lastowski made a motion, seconded by J. Belvin, to adopt Resolution 2018-38 - denying preliminary/final plan approval of Ertle Enterprises, Inc. Land Development Plan. L. DeVito, Twp. Solicitor, explained Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

RESOLUTIONS CONT:Resolution 2018-39 - Amending Resolution 2017-03 Park Board

L. DeVito, Twp. Solicitor, explained the Recreation Committee was established by Ordinance - 2014-10. In 2017 a Park and Recreation Board was created by Resolution 2017-03. L. DeVito, Twp. Solicitor noted since the establishment of a Recreation Committee was adopted by Ordinance, the proposed amendment is required to be by Ordinance. Discussion followed. J. Lastowski directed L. DeVito to include the original Ordinance, changes from Resolution 2017-03, and proposed amendment, to prepare a draft Recreation Board ordinance.

PUBLIC COMMENT:

Maxine Turbolski, Twp. resident, questioned if the Township is considering hiring a Road Master. J. Lastowski noted they have hired a Road Supervisor.

Maxine Turbolski, Twp. resident, noted damage to yards and driveways from the snow plows on Pippin Way.

Maxine Turbolski, Twp. resident, questioned if time clocks are being used by employees. D.ASURE, Twp. Manager, noted they are.

Maxine Turbolski, Twp. resident, questioned the proposed development in Tobyhanna that is requesting sewer. She stated she felt the sewer should be kept for Pocono residents, first.

Christopher Ortolan, Twp. resident, questioned the architect review of the buildings. J. Lastowski noted a meeting will be held with the architect on 05/16/2018.

Ellen Gndt, Twp. resident, questioned when the financial statements will be presented. D.ASURE noted they are working on it.

Ellen Gndt, Twp. resident, questioned why public comment was not allowed on the TLC Ballfields item. L. DeVito, Twp. Solicitor, noted it was tabled and no action was taken.

ADJOURNMENT INTO EXECUTIVE SESSION:

R. Wielebinski made a motion, seconded by J. Lastowski, to adjourn the meeting into executive session to discuss a personnel matter at 8:25 p.m.

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