

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 18th, 2014 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 08/18/2014, 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; and Brad Wise, present.
Greg Hill, was absent.

Leo V. DeVito, Broughal & DeVito LLP, Twp. Solicitor; Tim Edinger, T&M Associates, Twp. Engineer; Gregg Schuster, Twp. Manager; and Regina Zuvich, Treasurer, were present.

ANNOUNCEMENTS

President Richard Wielebinski presented Malcom Bonawits an award for his service as a member and Chairman of Pocono Township Zoning Hearing Board for 28 years. Malcom Bonawits thanked the Board, Attorneys, and Zoning Hearing Board members he has served with.

Grand opening of the Crossings Abilities playground at Mt. View Park on Friday, August 22 at 1:00 pm.

Next regular meeting is Tuesday, September 2nd due to the Labor Day holiday.

MINUTES

T. Felver made a motion, seconded by B. Wise, to approve the minutes of the Commissioners regular meeting, 08/04/2014. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the Check Listing dated 08/18/2014 (Excepting all tele-communication bills). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by T. Felver, to approve the Check Listing dated 08/18/2014 (tele-communication bills). Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

AMENDMENTS TO THE AGENDA: None

PUBLIC COMMENT:

Kim Ernsberger, HJP director, thanked the Park board workers and Board for allowing HJP to utilize Mt. View Park for their children's camp program. She thanked the Pocono Twp. Police, Pocono Volunteer Fire Company, and Central Pocono Ambulance for presenting programs for the children. A fund raiser will be held for the future dog park at the TLC park on Saturday, 08/23/2014.

Dave Parks, Twp. resident, asked about the status of Ruby Lane. R. Wielebinski noted Ruby Lane is a private road. The Township engineer and road master looked at the drain pipe located on Stadden Road. A policy for drainage complaints will be developed.

REPORT OF THE PRESIDENT:

Richard Wielebinski, President, noted the paving has been completed in the Township and the line painting will be completed shortly.

COMMISSIONERS COMMENTS:

Jerry Lastowski, Vice President, noted the Township accepted an AED for Mt. View Park. He thanked Charlie Trapasso, Mt. View Park Board, on her efforts for the donation of the AED for the Park.

Tom Felver, Commissioner, no comment.

Brad Wise, Commissioner, reviewed the HDD drawings for the repair of the hump. Tim Edinger, Twp. Engineer, asked the Board if they wished to proceed with the bid now, or wait until PennDOT issued the permit.

REPORTS

EMERGENCY SERVICES

Pocono Township Police Chief Kent Werkheiser reported the Department handled 411 incidents for the month of July. B. Wise thanked the Police for their work in handling an incident involving multiple citizen complaints at Old Orchard Estates.

Pocono Township Volunteer Fire Company Chief Mike Shay, absent.

Central Pocono Ambulance Company Manager Linda Smith reported 271 calls for the month of July, subscription requests are out, Community Days is set for September 20th, and the annual Halloween Party for October 31st. Since January the health insurance reform has cut in half the amount of money the ambulance association can collect. They have been contacted by an attorney who wishes to assist with collection.

KOPELSON CONDITIONAL USE HEARING CONTINUED FROM 07/01/2014

Donna Kenderline, Court Reporter, was in attendance.

Leo DeVito, Twp. Solicitor, briefed the Board and audience concerning the Conditional Use Hearing held 07/01/2014. The hearing was extended to allow the applicant to supply additional testimony on their request for a reduction of parking spaces. He noted any additional persons wishing to testify or comment needed to be sworn in.

Marc Wolfe, Solicitor, Newman, Williams, Mishkin, Corveleyn, Wolfe & Fareri, P.C., reviewed the standards for parking spaces for retail establishments. Tom Shepstone, Shepstone Management Company, Inc., presented the Kopelson's Parking analysis, dated August 2014 and three parking generation studies: Lehigh Valley, Delaware Valley and Monroe County, New York. All studies noted a reduced rate of parking spaces per square foot of retail was acceptable. Area shopping centers were included in the study. T. Felver questioned the type of stores that will be in the shopping center and employee parking. T. Shepstone noted the Kopelson Plan does allow for employee parking. J. Lastowski asked if the parking approved became inadequate, would they be able to come back for additional spaces. T. Shepstone noted he did not feel that it would be needed, but there are various ways to address it. R. Wielebinski noted he is concerned with the impact on Route 611 and Route 715 realignment on the project. L. DeVito, Twp. Solicitor, opened the meeting to public comment.

Randy Peechatka, Twp. resident, questioned if the overflow of the Crossings will utilize the Kopelson Project's parking areas. Traffic is a problem in the area.

Robert Turnbull, Twp. resident, noted the overflow of the Crossings sometimes use neighboring properties. He felt that the overflow of the Crossings should be addressed now. Marc Wolfe questioned where Mr. Turnbull is located. R. Turnbull noted his business is a mile and one half away from the site.

William Radu, Mt. Pocono, re: realignment of Route 611 in Swiftwater. B. Wise noted the comment does not pertain to the Kopelson Hearing and will be addressed afterwards.

Teresa Purcell, Twp. resident, noted it is impossible on the weekends to drive through the intersection of Rt. 715 and Rt. 611. Kopelson project will increase the traffic congestion in that area.

M. Wolfe, Developer's Attorney, noted the applicant has submitted a complete case for his Conditional Use request.

T. Felver asked if the Board needed to make a decision now. L. DeVito, Twp. Solicitor, asked Marc Wolfe if they could extend the decision until the next meeting.

L. DeVito, Twp. Solicitor, closed the hearing to testimony at 8:25 p.m. The decision will be made at the 09/02/2014 Commissioners' meeting.

PRESENTATION:

G. Schuster, Twp. Manager, introduced Jim Lambert, Executive Director of Monroe County Waste Authority. J. Lambert reviewed the services and programs offered to citizens and municipalities for their recycling needs. Under Act 101, sections 902 and 904, grants are available from DEP for municipalities with over 10,000 residents. Since Pocono Township now has over 10,000 residents according to the most recent census it is mandated to include recycling in the Township. Leaf collection is part of the mandate under DEP requirements.

PRESENTATION CONT:

Burning of leaf waste is banned under the rules, since leaf waste is considered a recyclable.

G. Schuster, Twp. Manager noted the Township is not eligible to receive the 902 grant since the Township allows leaf burning.

T. Felver asked if the Township did not enact the burning ban ordinance would it affect the collection of Liquid Fuels money.

Monica Gerrity, Twp. residents, asked what would be the cost to the residents.

J. Lastowski, questioned if the Section 902 grant money will be available on a yearly basis.

J. Coover, Twp. resident, asked if the Township has contacted other municipalities concerning their ordinances. Mr. Lambert replied that of the 8 municipalities with populations of greater than 10,000, Pocono Township was the only one that did not ban leaf burning.

R. Wielebinski noted that at present, anyone burning leaves can be cited by DEP or Waste Management.

Don Simpson, and Judi Coover, Twp. residents, questioned the difference between the Section 902 and 904 grant funding. Section 904 grants are awarded every 2 years and are restricted to recycling equipment and education. Section 902 grants are for the operation and maintenance of recycling programs and are awarded annually.

G. Schuster, Twp. resident, noted the Township has to make a decision to develop a recycling program for the Township to come into compliance. The Board concurred to move forward in passing an ordinance that will be in compliance with DEP regulations.

ADMINISTRATION**Gregg Schuster, Twp. Manager:**

A) Initial Assessment Report - G. Schuster noted the key points of his assessment report: lack of Job Descriptions and written evaluations for employees, Updated Employee Handbook to be completed, rising Healthcare costs, need for a Public Works Director, Capital Improvement Plan, Pavement Management Plan, security for facilities, Accounting, Purchasing Policy, Budget and funding improvements, record management, IT and website services.

He noted the Township is in good financial health.

B) Policy on drainage complaints - G. Schuster explained the Township does not have a policy in place to handle complaints concerning drainage problems. L. DeVito, Twp. Solicitor, noted if a private resident requests the Township review a drainage issue on their property it is not unreasonable for the Township to request an analysis from the resident. T. Edinger suggested the Township create a Grading plan. J. Lastowski stated that it should be jointly shared with the homeowner when a drainage problem occurs. G. Schuster will draft a policy for the board to review.

Timothy Edinger, Twp. Engineer:

He forwarded the Stadden Road Bridge proposal to the G. Schuster. R. Wielebinski spoke concerning the cost to replace the bridge. T. Edinger estimated it could cost up to \$750,000 to replace. T. Edinger noted a scour 'fix' may last several years conditioned upon the storm events. It would not fix the weight limit restriction. The current weight limit is 12 tons.

J. Lastowski requested the weight of school buses be considered.

G. Schuster suggested the Stadden Road options be placed on the agenda for the next meeting.

Leo DeVito, Twp. Solicitor: Marc Wolfe, Solicitor for Trap Enterprises, requested a portion of 'old' 611 to be vacated on the Trap Enterprises property and Pocono Community Bank Property. The Township has an easement for the sewer line in the area.

R. Wielebinski made a motion, seconded by J. Lastowski, to authorize the Twp. Solicitor to proceed with the vacating of the section of 'old' 611 along the property of Trap Enterprises. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

Gina Zuvich, Twp. Treasurer: T. Felver noted the Treasurer's report is a cash based report. G. Zuvich reviewed the report. The income and expenses are on target with the Budget. Discussion followed. She noted the Township will be in sound financial shape at the end of the year if trends continue. The Board thanked G. Zuvich for her report.

ORDINANCES

Ordinance 2014-authorizing a billing agreement with BCRA - L. DeVito, Twp. Solicitor, opened the hearing to public comment. The Ordinance has been advertised and posted. No comments were heard. L. DeVito closed the meeting. B. Wise made a motion, seconded by T. Felver, to adopt Ordinance No. 2014-08 approving the billing agreement with BCRA and authorizing the President to sign. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

Ordinance establishing a Recreation Committee - G. Schuster, Twp. manager, noted that he had met with the Mt. View Park Board and J. Lastowski, and made changes acceptable to all. The Twp. Solicitor will advertise for the next meeting.

Ordinance approving the amended HJP Park Inter-municipal agreement which includes the Pocono Mountain School District. G. Schuster, Twp. Manager will present the Ordinance, and the Twp. Solicitor will advertise for the next meeting.

RESOLUTIONS

Consideration of Appointments:

Council of Governments Representative: G. Schuster, Twp. Manager noted he can attend the meeting but by the Council of Government's by-laws a Commissioner is to be appointed as a voting member. Jerry Lastowski volunteered to attend the COP meeting on behalf of the Board of Commissioners.

Board of Commissioner's Finance Committee (2) R. Wielebinski and T. Felver, agreed to serve on the Pocono Township's Board of Commissioner's Finance Committee.

Resolution 2014-38 approving the Civil Service Commission Rules and Regulations. R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2014-38 approving the Civil Service Commission Rules and Regulation. T. Felver questioned the removal of the distance requirement and if there are funds in the budget for the hiring of three officers. G. Schuster noted the funds are there for the hires. R. Wielebinski noted the present contract does not include a distance requirement. Discussion followed. Peter Nish, Civil Service Commission, noted the process for hiring an officer is extensive and evaluates physical, mental, background checks, drug testing, oral and written test, etc. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

Resolution 2014-39 authorizing the hiring of three police officers and approving associated supplemental appropriations. G. Schuster explained the costs needed for the hiring process of the three officers. J. Lastowski made a motion, seconded by R. Wielebinski, to adopt Resolution 2014-39 authorizing the hiring of three police officers and approving associated supplemental appropriations. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

Resolution 2014-40 Line Painting - R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2014-40 approving a contract with Interstate Road Management for line painting services. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

Resolution 2014-41 accepting the proposal from RKR Hess to provide design and permitting related services associated with the 611 Safety Enhancements project. Discussion followed concerning deadlines. R. Wielebinski made a motion, seconded by B. Wise, to adopt Resolution 2014-41 accepting the proposal from RKR Hess to provide design and permitting related services associated with the 611 Safety Enhancements project. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; and B. Wise, yes. Motion carried.

Resolution 2014-42 accepting the proposal from T&M Associates to provide construction administration and observation services associated with the 611 Safety Enhancements project. R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2014-42 accepting the proposal from T&M to provide design and permitting related services associated with the 611 Safety Enhancements project. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; and B. Wise, yes. Motion carried.

Resolution 2014-43 to increase the number of alternates to the Zoning Hearing Board to two (2). R. Wielebinski, made a motion, seconded by T. Felver, to adopt Resolution 2014-43 to increase the number of alternates to the Zoning Hearing Board to two (2). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

Resolution 2014-44 - R. Wielebinski made a motion, seconded by J. Lastowski, to appoint Lew Ginsberg as alternate to the ZHB. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

PUBLIC COMMENT:

Peter Nish commented on the manner Marc Wolfe spoke to residents during the Conditional Use Hearing for Kopelson.

Richard Almquist, Vice President of Land Development for Northridge at Camelback, hand delivered a request for reduction of Escrow Release #7, in the amount of \$232,166.32.

EXECUTIVE SESSION (IF NECESSARY)

ADJOURNMENT

R. Wielebinski made a motion, seconded by T. Felver, to adjourn the meeting at 10:50 p.m., until 09/02/2014 at 7:00 p.m. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; and B. Wise, yes. Motion carried.

Respectfully submitted
Pamela Finkbeiner