

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**REGULAR MEETING**

**FEBRUARY 16<sup>th</sup>, 2016 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on 02/08/2016 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by Commissioner Jerry Lastowski at 7:00 p.m., followed by the Pledge of Allegiance.

**ROLL CALL:** Tom Felver, by phone; Harold Werkheiser, by phone; Jerry Lastowski, present; and Judi Coover, present.

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

L. DeVito confirmed two Commissioners could attend by conference call.

**APPROVAL OF MINUTES:**

J. Lastowski made a motion, seconded by H. Werkheiser, to approve the minutes of the 02/08/2016. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

J. Lastowski made a motion, seconded by J. Coover, to approve the minutes of the Special meeting 02/11/2016 with a correction to the next meeting date under adjournment. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**APPROVAL OF BILLS AND TRANSFERS:**

J. Lastowski made a motion, seconded by J. Coover, to approve the Bill's list of 02/16/2016. J. Coover noted a concern with the engineering invoices for T&M. G. Schuster will set up a meeting with T&M to discuss the issue. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**AMENDMENTS TO AGENDA: None**

**PUBLIC COMMENT:** Diane Zweifel, Twp. resident, questions concerning the search for a new attorney for the Township.

Annabella Lastowski, Twp. resident, commented process for public comment.

**APPOINTMENT OF VACANCY BOARD CHAIRMAN:**

J. Coover made a motion, seconded by J. Lastowski, to table the appointment of the Vacancy Board Chairman until after the Monroe County Courts opinion. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**REPORT OF THE PRESIDENT: None**

**COMMISSIONERS COMMENTS:**

Harold Werkheiser, Vice President, none.

Judi Coover, Commissioner, none.

Jerry Lastowski, Commissioner, none.

**APPOINTMENT OF OFFICIALS:**

Township Manager

J. Lastowski made a motion, seconded by T. Felver, to appoint Gregg Schuster as Township Manager. J. Coover requested an executive session to discuss the appointment. H. Werkheiser requested to review the contract before voting. Discussion followed. Roll call vote: T. Felver, yes; H. Werkheiser, no; J. Lastowski, yes; and J. Coover, no. Motion failed.

Township Solicitor - T. Felver made a motion to retain Broughal & DeVito as Township Solicitor until a firm is selected. Discussion followed. No action taken

Township Engineer - No action taken.

Township Treasurer

T. Felver made a motion, seconded by J. Lastowski, to appoint Regina Zuvich as Township Treasurer. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Township Secretary

J. Coover made a motion, seconded by J. Lastowski, to appoint Pamela Finkbeiner as Township Secretary. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Township Right-To-Know Officer

T. Felver a motion, seconded by J. Lastowski, to appoint G. Schuster as Township Right-to-Know Officer. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**APPOINTMENT OF COMMITTEES:**

Sewer Committee - T. Felver and H. Werkheiser requested time to review the need of a sewer committee. J. Lastowski and J. Coover recommended the full Board attend. No action taken.

Finance Committee

J. Lastowski made a motion, seconded by J. Coover, to appoint T. Felver to the Finance Committee. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**REPORTS:**

Emergency Services

Pocono Township Police Chief Kent Werkheiser and Pocono Township Volunteer Fire Company Chief Mike Shay, absent.

**ADMINISTRATION:**

Township Manager Gregg Schuster presented his report.

Sewer Connection - Mandatory Connection Notices - G. Schuster noted the the next phase of Mandatory Connection notices will be sent out for Phase II-Southern section. J. Clapper noted this area will be from the repair to Old Mill Road, followed by Phase II-Northern Section, and the final

**SEWER CONNECTIONS CONT:**

section by mid-summer. J. Lastowski requested information concerning the Low interest loans and grants to be included in the mailings. J. Lastowski made a motion, seconded by T. Felver, to authorize the Mandatory Connection Notices and information for Low-Interest grants and Loans, to be sent to the properties identified by Jeffry Clapper, Public Works Director, in his memo of 02/12/2016. T. Felver requested the Bank be contacted to assure the loans are still available. J. Coover commented on the inspection service for lateral hookups, at present T&M has been authorized to do the inspections. Discussion followed on the inspections. J. Lastowski requested to wait until there is more time to discuss the inspection process. J. Lastowski withdrew his motion.

Engineer Mark Ambrose

Sewer Repair Project Payment Request #2 - M. Ambrose explained the payment request and project updated. Discussion on the additional cost to move the waterline for the manhole placement. T. Felver questioned if the project was bid out. M. Ambrose noted it was not bid out. He will submit a cost breakdown for the moving of the waterline. Discussion followed. J. Lastowski made a motion, seconded by J. Coover, to approve Payment Request #2 to Marona Construction, in the amount of \$680,400.00 for the Rt. 611 Sanitary Sewer Replacement Project as recommended by T&M Engineer's letter dated 02/10/2016. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Solicitor Leo DeVito

Tobyhanna Sewer Agreement Amendment -

L. DeVito explained the Agreement's timeline to complete has been changed to 06/01/2016. J. Lastowski made a motion, seconded by J. Coover, approving the Tobyhanna Sewer Agreement Amendment and authorize the Township official to sign. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Authorizing the Solicitor to prepare a petition the Monroe County Court of Common Pleas for the fifth Commissioner - L. DeVito explained a petition will be prepared to present to the Court after the 02/22/2016 hearing. J. Coover noted there is a current petition before the court. Discussion followed. J. Lastowski made a motion, seconded by J. Lastowski, to authorize the Solicitor to petition the Monroe County Court of Common Pleas to appoint a Commissioner. Roll call vote: T. Felver, yes; H. Werkheiser, no; J. Lastowski, yes; and J. Coover, No. Motion failed.

Discussion followed to the wording of the petition and the number of signatures required. J. Coover made a motion, seconded by J. Lastowski, to authorize the L. DeVito to draft a petition for the fifth Commissioner, circulate, and solicit signatures to submit to the Monroe County Court of Common Pleas. Maxine Turbolski, Twp. resident, spoke concerning the applications. Roll call vote: T. Felver, yes; H. Werkheiser, no; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Township Treasurer Gina Zuvich gave the Treasurer's report for December 2015. She noted the 2015 final report was not complete at this time due to outstanding items.

**PRESENTATIONS:**

Tom Bowditch, American Legion - T. Bowditch explained the progress completed on the TLC War Memorial Park and the various projects and services the American Legion offer the Community. He noted concerns on the PennDOT improvements to 715 and possible realignment through the memorial. J. Lastowksi made a motion, seconded by T. Felver, to reaffirm the Township's support to the TLC War Memorial and to request the Twp. Manager draft a letter from the Board of Commissioners noting their disapproval of the use the TLC War Memorial site for the Rt. 715 realignment. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

T. Bowditch thanked the Board. He noted the American Legion is interested in the portion of the TLC site from the Pocono Creek to Rt. 611, if the Township would consider selling/donating it to them.

Ken Brown BCRA Projects - K. Brown explained the waterline to PJJWA to Hospital and PJJWA customers. The waterline requires an easement across the TLC site to connect.

J. Lastowski made a motion, seconded by J. Coover, to approve the right-of-way as shown on the BCRA interconnection plan with PJJWA dated 2/4/2016, provided BCRA providing a waterline to Pump Station #2 and the TLC ballfield. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

MCTI Waterline - K. Brown, Brodhead Creek Regional Authority, explained the waterline service area to MCTI (Monroe County Technical Institute) property. Discussion followed on the easements, future areas, and Stormwater Management Ordinance. L. DeVito noted if the Township is to review the SMO, an escrow is required. Russell Scott III, RKR Hess Associates, stated they are requesting waivers from the SMO.

J. Lastowski made a motion, seconded by T. Felver, to approve the BCRA water service area for MCTI and request an escrow for the SMO waiver requests. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Resolution 2016-11 - Camelback Tubing Slope Conditional Approval and Planning Module Approval- Michael Gable, Boucher & James Engineering, Inc. represented the plan. The plan was recommended by the P.C. at their 02/08/2016 mtg. L. DeVito read the conditions of the Resolution. T. Felver questioned the recent MCCD violation letters. M. Gable noted they are working with the Contractors to address the violations.

J. Lastowski made a motion, seconded by J. Coover, to adopt Resolution 2016-11 - Camelback Tubing Slope Conditional Approval. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Resolution 2016-12 - Camelback Planning Modules - M. Ambrose recommended the Planning Modules be approved. J. Lastowski made a motion, seconded by J. Coover, to adopt Resolution 2016-12 - Camelback Planning Modules, authorize the Township Secretary to sign, and forward them to the developer. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**ORDINANCES:**

Sanofi Zoning Map Change - Referral to Planning Commission J. Lastowski made a motion, seconded by T. Felver, to send the Sanofi Zoning Map Change to the Planning Commission for review and recommendation. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

Process for review and adoption of sign, SALDO, and Zoning Ordinances - G. Schuster explained the P.C. requested a special meeting to discuss the process for adoption of Ordinances. G. Schuster will coordinate a date for the meeting.

**RESOLUTIONS:**

Resolution 2016-13 - CS-Graphx - J. Lastowski made a motion, seconded by J. Coover, to adopt Resolution 2016-13 CS-Graphx for the 2016 Permit Manager Software Support and maintenance Agreement in the amount of \$1,850.00. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.

**PUBLIC COMMENT:**

Ellen Gandt, Stroudsburg, spoke concerning executive session procedure.

**EXECUTIVE SESSION:** None

**ADJOURNMENT:**

J. Lastowski made a motion, seconded by J. Coover, to adjourn the meeting into executive session at 9:25 p.m., until 03/07/2016 at 7:00 p.m. Roll call vote: T. Felver, yes; H. Werkheiser, yes; J. Lastowski, yes; and J. Coover, yes. Motion carried.