

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 20th, 2015 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 01/20/2015, 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; Mark Ambrose, T&M Associates, Twp. Engineer; Gregg Schuster, Twp. Manager; Regina Zuvich, Twp. Treasurer; and Pamela Finkbeiner, Secretary were present.

RECOGNITION OF NEAL GALLAGHER: R. Wielebinski recognized Neal Gallagher for his work on the Pocono Township Recreation Committee and the Crossing Abilities Playground.

ANNOUNCEMENTS:

- a) The Board met in executive session before tonight's meeting to discuss sewer litigation matters and the Grossi appeal.
- b) There is currently one vacancy on the Recreation Committee, one vacancy on the Planning Commission, and seven vacancies on the Bicentennial Celebration Committee.

P. Nish spoke concerning the requirement that only Township residents can serve on the Bicentennial Celebration Committee. He felt the Township maybe missing the opportunity to have experienced people serve on the committee.

MINUTES:

P. Nish made a motion, seconded by J. Lastowski, to approve the minutes of the Commissioners regular meeting of 01/05/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by B. Wise, to approve the minutes of the Commissioners Special meeting of 01/07/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS:

T. Felver made a motion, seconded by B. Wise, to approve the Check Listing, dated 01/20/2015 (excepting all tele-communication bills and Central Pocono Ambulance request). Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS CONT:

B. Wise made a motion, seconded by P. Nish, to approve the Check Listing, dated 01/20/2015 (tele-communication bills). Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Central Pocono Ambulance request for funding - G. Schuster, Twp. Manager, explained the Central Pocono Ambulance has submitted a request for \$50,000.00. He noted they are budgeted for \$100,000.00 with an additional \$35,000.00 for fuel in 2015. G. Schuster noted he met with L. DeVito, Twp. Solicitor, and the Ambulance Company to finalize the agreement. The Ambulance has expressed concern about the cost of a required audit. Linda Smith, Manager Central Pocono Ambulance, spoke concerning the cost of an audit - estimated \$16,000.00. T. Felver agreed the cost would be high but the audit should be required. Discussion followed. G. Schuster noted the Board could remove the requirement of the audit from the agreement. T. Felver requested the Board be given copies of the agreement. She noted decrease in funding is due to the Affordable Care Act that has reduced the amount the Ambulance collects by \$100,000.00. T. Felver noted additional funds were not to be released until an agreement with Central Pocono Ambulance was signed.

P. Nish made a motion, seconded by J. Lastowski, to approve Central Pocono Ambulance's request for \$50,000.00 with the condition no future payments will be made until an agreement is signed. Roll call vote: R. Wielebinski, abstained; J. Lastowski, yes; T. Felver, no; P. Nish, yes; and B. Wise, yes;. Motion carried.

B. Wise stated he felt the Township should require an audit, since the Township gives a substantial amount of money to Central Pocono Ambulance. P. Nish asked if there is anything the Township can do to help pay for the audit.

Bob DeYoung, Twp. resident, requested the Township to help the Ambulance Company.

Monica Gerrity, Twp. resident, asked if the Township could contact Camelback for assistance in collecting ambulance fees since a high volume of calls were from the ski resort.

R. Wielebinski noted the Township has spoken to Mario Scavello to help change the laws to allow direct payment from Insurance companies to the Ambulance Company.

Monica Gerrity, asked if additional funds could be earmarked for the Ambulance Company.

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Township Manager to draft a letter to Pennsylvania State Senator, Mario Scavello on behalf of the Board of Commissioners, requesting he address the issue of insurance reimbursement to the Ambulance Company and to request Senator Scavello keep the Board informed on any legislation concerning the matter. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes;. Motion carried.

AMENDMENTS TO THE AGENDA: G. Schuster, Twp. Manager, noted two amendments:
1) Under Twp. Manager's report: Appointment of Deputy Tax Collector - Twp. Tax Collector, Patricia Michael, will be out on medical leave for a few weeks. Beth Martin, Tax Collector of Paradise Township, will act as Pocono's Deputy Tax Collector, in Patricia Michael's absence.
2) Under Twp. Engineer's report: Bond Release for Northridge at Camelback.

PUBLIC COMMENT: Carol Wise, Twp. resident, spoke concerning the sewage smell in her home from the sewer line. She thanked M. Ambrose for his help in trying to solve the problem.

M. Ambrose, Twp. engineer, noted he is working with the major discharger north of the Wise home to monitor the flows to help with the odor problem. M. Ambrose noted the problem is throughout the Township but he only finds out after the fact. He encouraged all residents to contact him when they see or smell a problem.

J. Lastowski noted the Sewer committee met with a company that handles sewer odors.

R. Wielebinski asked if the outside trap will solve the problem.

M. Ambrose noted he did not know if it would solve the problem, additional plumbing and venting may need to be addressed. He stated older homes may require whole-house traps since in the past homes were built pre-building codes. M. Ambrose stated the Uniform Construction Codes did not require whole house traps unless otherwise warranted. Since there are issues, they will be required going forward. M. Ambrose noted traps can be insulated with foam insulation or spray insulation since the traps may be located above the 42" frost line.

Carol Wise noted concern that a p-trap will not solve the problems. She requested the lines continued to be flushed instead of a p-trap.

Monica Gerrity asked if the cost of the odor fix would be paid for by the Township since it is not the fault of the homeowner.

R. Wielebinski noted the Board may consider it.

REPORT OF THE PRESIDENT: None

COMMISSIONERS' COMMENTS:

Gerald Lastowski, Vice President, noted he spoke to Frank and Dorothy Frailey concerning the light on the PBC signage. They thanked the Board for addressing the problem and the sign has been dimmed.

J. Lastowski, G. Schuster, and Pocono Township Police Chief Kent Werkheiser, met with the Crossings concerning traffic control, key points:
1) The Crossings agreed to pay for the Pocono Township Police to cover on high volume days. 2) The Crossings had satellite parking at NCC. 3) The signage on Rt. 80 directs traffic for Mt. Airy and Great Wolf to leave at 299 (Tannersville exit), the Township will request PennDOT to direct that traffic to 298 (Scotrun exit). 4) The Crossings will use flaggers inside their facility to move traffic faster on high volume days. G. Schuster will set up a meeting with Camelback to discuss traffic concerns.

COMMISSIONER'S COMMENTS CONT:

T. Felver, Commissioner, asked why he was not informed of the meeting with The Crossings concerning traffic problems. He felt strongly that he should have attended the meeting and questioned why Camelback and PennDOT were not included. He noted that The Crossings has not expanded but Camelback is set for a major expansion. T. Felver noted everyone should be included. G. Schuster apologized and will include the board with future meetings.

Peter Nish, Commissioner - none

Bradley Wise, Commissioner, stated additional work needs to be done on the sewer system to close out contracts and get the system up and operating. He questioned if the Township Buildings can be brought up to ADA requirements and codes. G. Schuster noted the buildings were built before codes and it would be good practice to bring the building up to codes. He will request the Building Code Official to assess the building.

REPORTS:**Emergency Services**

Pocono Township Police Chief Kent Werkheiser presented his report for December to the Board. B. Wise asked if the Police Department received reimbursement for the investigation of the massage parlors. K. Werkheiser noted they received approximately \$1,500.00. He stated the investigation is continuing to pursue the illegal activities in the Township. R. Wielebinski congratulated the Police Department for their efforts to curb illegal massage parlors.

Central Pocono Ambulance Association, Inc., Manager Linda Smith spoke concerning a resident on Wilkie Road who expressed concern that the traffic to Camelback would limit accessibility to their property by emergency services.

ADMINISTRATION:

Township Manager Gregg Schuster presented his report to the board. Policy for salary increases for full-time, non-union employees - G. Schuster noted the three employees in question were non-union and not covered by the contracts. The Police Union included a 3 percent raise the Public Works department on average was 3.4. Discussion followed as to the policy for salary raises for the three non-union employees. The board convened into Executive Session at 8:15 p.m., and reconvened at 8:30 p.m. R. Wielebinski made a motion, seconded by P. Nish, to approve a 3.4 percent salary raise for Kent Werkheiser, Regina Zuvich and Pamela Finkbeiner. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

HJP Agreement Revision - G. Schuster noted he surveyed the Board and the Board concurred that if Hamilton and Jackson do not fund the HJP Regional Park, there is no reason to stay in HJP. Discussion followed. T. Felver noted Hamilton Township has already stated they will not fund the park. P. Nish noted for 10 years there is nothing to show for HJP Park. He is in favor of getting out of it.

HJP AGREEMENT CONT:

J. Lastowski stated if the other Townships agree to fund the park he would like to move forward with building out HJP park.

R. Wielebinski agreed if the other Townships will support the building of the park it will benefit the residents.

P. Nish noted there are other options for the residents to use the School districts fields.

J. Lastowski questioned if a Bond issue could be put to the voters to build the park.

L. DeVito, Twp. Solicitor, noted if the Township pulls out, they lose all assets.

Alex Grum, Twp. resident, agreed the Township should pull out.

J. Lastowski made a motion, seconded by R. Wielebinski, to instruct the Township Manager to send out a letter to Hamilton and Jackson Township asking where or not they are willing to include substantial funding to build out the HJP regional park. R. Wielebinski, yes; J. Lastowski, yes; T. Felver, abstained; P. Nish, yes; and B. Wise, yes. Motion carried.

EDU Appeals - B. Wise noted the sewer committee has approved the EDU appeals. P. Nish made a motion, seconded by B. Wise, to approve the EDU Appeals of:

- 1) Abeloff-Buick-GMC-Nissan-Kia from six (6) EDUS to two (2)EDUS property
PIN: 12637100789211
- 2) Dale's Café from four (4) EDUS to three (3) EDUS property
PIN:12638100052802
- 3) Fountain Court from seventeen (17) EDUS to ten (10) EDUS property
PIN:12637100697884
- 4) Pocono Creek Plaza Unit #10- one (1) EDU revised to zero (0)
Unit #14- one (1) EDU revised to zero (0)
Unit #18- Two (2) EDUS revised to one (1)EDU
PIN:12637201456560

Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Act 164-2014 - Appointment of a Deputy Tax Collector - R. Wielebinski made a motion, seconded by T. Felver, to appoint Beth A. Martin as Deputy Tax Collector. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Township Engineer Mark Ambrose:

Northridge at Camelback Bond Release #9 in the amount of \$267,801.21 - R. Wielebinski made a motion, seconded by T. Felver, to authorize the Northridge at Camelback's Bond Release #9 in the amount of \$267,801.21. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Township Solicitor Leo DeVito requested G. Schuster to distribute the draft signage ordinance for the Commissioner's review.

Township Treasurer Gina Zuvich presented the December report to the Board.

PRESENTATIONS:

Donaldson Lot Merger - A time extension letter was received until 03/02/2015. The surveyor requested the plan be tabled. R. Wielebinski made a motion, seconded by J. Lastowski, to table the Donaldson Lot Merger. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

ORDINANCES:

Ordinance 2015-01 - TLC Parking Ordinance

R. Wielebinski opened the hearing for the TLC Parking Ordinance. Hearing no comment, he closed the hearing. R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Ordinance No. 2015-01 - TLC Parking Ordinance. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Ordinance 2015-02 - authorizing participation in the PSATS trust - R. Wielebinski opened the hearing for the participation in the PSATS Trust. Hearing no comments, he closed the hearing. R. Wielebinski made a motion, seconded by T. Felver, to adopt Ordinance No. 2015-02 - authorizing participation in the PSATS trust. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

RESOLUTION

Resolution 2015-07 - R. Wielebinski made a motion, seconded by T. Felver, to adopt Resolution 2015-07 approving the agreement with North Central Highway Safety Network, Inc. for grant funding for the PA Aggressive Driving Enforcement & Education Project.

Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-08 - G. Schuster recommended the firm Virtual Towns and Schools to develop and maintain a new Township website since he had worked with them before. T. Felver questioned if local companies were contacted for price quotes. R. Wielebinski asked if G. Schuster had compared pricing. G. Schuster noted it was under the amount for needed quotes and the company had offered to include the annual service fee into the cost for 2015. Discussion followed. J. Lastowski made a motion, seconded by P. Nish, to adopt Resolution 2015-08 approving an agreement for website services with Virtual Towns and Schools for a cost of \$8,000.00 for site work with an annual service cost of \$2,500.00. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, no; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-09 - R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2015-09 approving an agreement with PennDOT for the SR 611 safety project. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

RESOLUTIONS CONT:

Resolution 2015-10 - T. Felver made a motion, seconded by R. Wielebinski, to adopt Resolution 2015-10 approving confidentiality agreements with Gregg Schuster and Regina Zuvich. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-11 - J. Lastowski made a motion, seconded by P. Nish, to appoint the Township Manager as a liaison to Berkheimer for the express purpose of sharing confidential tax information with the district for official purposes. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-12 - B. Wise made a motion, seconded by J. Lastowski, to adopt Resolution 2015-12 setting the mileage reimbursement rate at the IRS reimbursement rate in 2015 at 57.5¢ and all subsequent years as determined by the IRS unless the Board decides otherwise. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-13 - J. Lastowski made a motion, seconded by R. Wielebinski to adopt Resolution 2015-13 confirming alternate appointments of Steven Van Aucken and Peter Hensel to the Civil Service Commission into the vacant six (6) year term, which commenced on January 1st, 2014 and terminates on 12/31/2019. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-14 - R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2015-14 confirming an appointment of Maria Candelaria to the Eastern Monroe Library Board of Trustees. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Resolution 2015-15 - R. Wielebinski made a motion, seconded by P. Nish, to adopt Resolution 2015-15 appointing Commissioner Gerald Lastowski as COG representative for a one (1) year term, which commenced 01/01/2015 and terminates 12/31/2015. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

COMMENTS: None

ADJOURNMENT:

R. Wielebinski made a motion, seconded by T. Felver, to adjourn the meeting at 9:50 p.m., until 02/02/2015 at 7:00 p.m., at the Pocono Township Municipal Building. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.