

**REGULAR MEETING
MINUTES
July 15, 2019 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on Monday, 07/15/2019 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; Rich Wielebinski, present, Jerrod Belvin, present, Chad Kilby, present, Harold Werkheiser, absent.

IN ATTENDANCE:

Leo DeVito, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; Donna M. Asure, Township Manager; and Dee Ackerman, Administrative Assistant were present.

PUBLIC COMMENT:

Wayne Mazur, Cobble Creek Estates President, commended the Board on their actions of repealing the short-term rental ordinance in residential districts. He thanked the police for responding to a firework incident this past weekend and discussed concerns about the bottle neck traffic issues on Sullivan Trail.

Val Kleyman, 151 Terrace – gave the Board a packet of information on how he operates short-term rentals. He presented ideas of the right way to permit short-term rentals.

Dwayne Kuerzic – Hamilton Township – commented on allowing short-term rentals and the fact that he believes the police department needs appropriate training for dealing with short-term rental issues.

ANNOUNCEMENTS:

J. Lastowski announced that the hearing scheduled for tonight concerning revisions on the Solid Waste Ordinance was moved until the August 5, 2019 meeting.

J. Lastowski made a motion, seconded by C. Kilby to authorize the solicitor to advertise for a public hearing on August 5, 2019 concerning revisions to the Solid Waste Ordinance. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski informed those present that there will be detours posted starting around the week of July 22nd for the installation of a gas line from Route 314 at Route 611 to Upper Swiftwater Road. Work should take approximately three to five days and will be done both day and night.

HEARINGS: none

PRESENTATIONS:

Interviews were held for the open positions on the Zoning Hearing Board. Interviewed were Keith Kunz, Chris Ortolan and Michael Velardi.

J. Belvin made a motion, seconded by C. Kilby, to appoint Keith Kunz as a regular member of the Zoning Hearing Board with a term to expire 12-31-21. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to appoint Michael Velardi as an alternate to the Zoning Hearing Board with a term to expire 12-31-21. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

BCRA Tanks and Pump Station Project – BCRA attended the meeting to discuss reasons for the requests for modifications for their plan.

C. Kilby made a motion, seconded by J. Belvin, to approve the request for modification, by BCRA for the Tannersville Tanks and Pump Station project for SALDO Section 390-43.A(6)(e)2e – Requirement of Steep slope easement. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion Carried.

C. Kilby made a motion, seconded by r. Wielebinski, to approve the request for modification, by BCRA for the Tannersville Tanks and Pump Station project for SALDO Section 390-48.T(13)(a) – Access Drive Grade 10%. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion Carried.

J. Belvin made a motion, seconded by J. Lastowski, to approve the request for modification, by BCRA for the Tannersville Tanks and Pump Station project for SALDO Section 390-48.W(1) – Maximum Cut and fill slope 3:1; Section 390-50.D(5) – Maximum Detention Basin Embankment Slope 4:1; Section 390-55.E(3) – Maximum Basin Side Slope 3:1. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion Carried.

C. Kilby made a motion, seconded R. Wielebinski, to approve the request for modification, by BCRA for the Tannersville Tanks and Pump Station project for SALDO Section 390-55.D(l) and Section 390-55.D.3(d) – Street trees. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion Carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve the request for modification, by BCRA for the Tannersville Tanks and Pump Station project for SALDO Section 390-48.T(13)(b) – Minimum width and driveway curb for Non-residential Uses. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion Carried.

J. Belvin made a motion, seconded by C. Kilby, to approve the request for modification, by BCRA for the Tannersville Tanks and Pump Station project for SALDO Section 390-29.G(7) – Viewshed Analysis. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion Carried.

RESOLUTIONS:

Resolution 2019-15 - L. DeVito, Twp. Solicitor, explained the Resolution is to consider granting conditional approval of the CB H20 L.P., Lot 13 & Hotel Preliminary Land Development Plan.

J. Lastowski made a motion, seconded by R. Wielebinski – for discussion purposes, to adopt Resolution 2019-15 granting conditional approval of the CB H20, L.P., Lot 13 & Hotel Preliminary Land Development Plan. Discussion followed on the impact of traffic, the resolved DEP issues and the ability for emergency groups to be able to respond to the property. Richard Young of T&M spoke to the reviews preformed on behalf of the township of this project. D. Asure reported that correspondence has been received granting a time extension until August 19, 2019.

J. Lastowski made a motion to table action on this item, seconded by C. Kilby. Roll Call Vote: R. Wielebinski, no; J. Lastowski, yes; C. Kilby, yes; J. Belvin, no. Motion failed.

J. Lastowski withdrew his motion, R. Wielebinski withdrew his second.

Camelback will be asked to come to the August 5, 2019 regular meeting of the Board of Commissioners to discuss this project further.

MINUTES:

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 07/01/2019 regular meeting of the Board of Commissioners. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 07/10/2019 work session of the Board of Commissioners. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by C. Kilby, to approve the minutes of the 07/11/2019 work session of the Board of Commissioners. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

NEW BUSINESS:

Personnel - none

Financial Transactions –

Frank Cefali, Treasurer, gave highlights of the 2019 second quarter fiscal report. Some of the areas discussed included revenues and expenditures to date that are behind or above budget. F. Cefali stated that as of June 30, 2019 for the most part the budget is on target.

J. Lastowski made a motion, seconded by C. Kilby, for discussion, to move \$60,000.00 from the In Lieu of Fund into Capital Reserve as budgeted in the 2019 budget for park capital expenditures. Under Discussion Commissioner Kilby asked if this was budgeted. D. Asure reported that it was. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Ratify vouchers payable

J. Lastowski a motion, seconded by R. Wielebinski, to ratify vouchers payable for a period ending 07/11/2019 in the amount of \$ 7,720.89. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Ratify gross payroll -

J. Lastowski made a motion, seconded by J. Belvin, to ratify gross payroll for the pay period ending 07/07/2019 in the amount of \$92,322.96. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Vouchers Payable

J. Lastowski made a motion, seconded by C. Kilby, to approve vouchers payable received through 07/11/2019 in the mout of \$ 159,376.75. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Capital Expenditures

J. Lastowski made a motion, seconded by R. Wielebinski, to approve capital expenditures received through 07/11/2019 in the amount of \$ 4,240.30. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

LSA Grant

J. Lastowski made a motion, seconded by J. Belvin, to execute the LSA Grant in the amount of \$450,000.00 for right-hand turn lanes from Route 611 onto Bartonsville Avenue and Rimrock Road and authorize the President and Vice-President to execute the documents. Discussion followed concerning the total cost of the project, the possibility of using these funds as a match and whether or not one of the turn lanes could be completed with these funds. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Travel/Training Authorization - none**REPORT OF THE PRESIDENT:**

Gerald Lastowski, President

Right turn only sign at Crossings. J. Lastowski discussed the sign, posted by the Crossings Outlet Mall's at the entrance onto Sullivan Trail – "Right turn only". The board discussed whether this was legal and/or could be enforced.

J. Lastowski made a motion, seconded by J. Belvin to have the township manager notify the Crossing's management that they must remove the right turn only sign from their exit onto Sullivan Trail. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski requested discussion by the Board on the implementation of the Amusement Tax. Currently, the tax is set to begin on August 1, 2019. Discussion followed on the pros and cons of implementing at this time or waiting.

J. Lastowski made a motion, seconded by R. Wielebinski, to table the implementation of the Amusement Tax until January 1, 2020. Under discussion the township manager was instructed to have everything ready to begin collection on this date. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski instructed the township manager to post the county's explanation of the re-assessment on the township website.

J. Lastowski passed on an invitation from the owners of Brookdale for a tour on Wednesday, July 24th at 5:30pm prior to the business opening.

COMMISSIONERS COMMENTS

Rich Wielebinski - Vice President - None

Harold Werkheiser - Commissioner - Absent

Chad Kilby - Commissioner

Intersection Lighting Update - Commissioner Kilby reported that the project is 85% complete and the township is receiving positive feedback on the lighting.

Traffic Task Force – C. Kilby reported on the recent Traffic Task Force work session held with PennDot and Senator Scavello. It was a positive meeting with many discussions on short term (1-3 year) fixes and long-term goals. The Green Light Go 2017 grant should help provide some relief as the newest technology in traffic lights will be installed to improve traffic flow. Discussion was had on having the 715/611 realignment project done in phases to be the least disruptive to traffic flow.

J. Lastowski reported that the board confirmed that TLC field was safe from being taken but the project is About 2.5 years away from having construction started. The Route 611 project should be completed in October 2020.

Jerrod Belvin - Commissioner

Commissioner Belvin discussed the need to have an alternate building codes inspector or company.

J. Belvin made a motion, seconded by C. Kilby, to authorize the use of SFM Consulting as the alternate building codes officials for Pocono Township subject to the Board's approval of the cost proposal. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor to prepare an Ordinance amending the Township Ordinance adopting the Uniform Construction Code to provide for penalties and recovery of attorney's fees in the event the Township Building Codes Official determines that there has been a violation of the Uniform Construction Code. In addition, the Amendment should provide for the recovery of attorney's fees and costs in the event the Township files a Civil Action seeking enforcement. No public comment.

Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

REPORTS:

EMERGENCY SERVICE REPORTS

POLICE – Chief Werkheiser gave his report of police activity for the month of June.

EMS – Joseph Monaco reported on the activities of the St. Luke's Ambulance Service.

FIRE - Absent

RECREATION COMMITTEE

D. Asure informed all about the upcoming movie and Kettle Creek program.

Public Works

Road Crew Projects - R. Sargent reported road pipes are being installed.

Park Operations - R. Sargent reported all is good at the park. The Board discussed the need for the score board to be painted at the park.

Fish Hill Road Storm System Project - R. Sargent reported the project is complete

Lighting from Heritage Center to Basketball Courts – R. Sargent reported he has not been able to work more on this project

2019 Road projects - R. Sargent reported the 2019 projects are complete

Drainage issues - R. Sargent discussed Alger Avenue issue. MCCD is recommending an approximately 10 X 10 retention area to hold back the silt that is draining onto neighboring property. The Township manager was asked to have the Chief of Police speak to the property owner who is using sandbags to block the drainage pipe.

Archer Lane – The MCCD was to conduct a reinspection today. Discussion followed concerning the need to review and move forward the draft Erosion and Sedimentation Ordinance currently being reviewed by the Planning Commission.

Administration - Manager's Report

Regional Comprehensive Plan – The RFP for the consultant will be released on July 17, 2019 with responses due one month later. It is hoped that consultant will be on board by October.

Traffic Task Force - Discussed earlier

Pocono Business Association - No update

Green Light Go 2015 – Should be out for bid with results in shortly

Green Light Go 2017 – Technical specifications are currently being put together so the municipalities can decide how to go out to bid, either jointly or separately.

Savvy Citizen – The app is up and running. Marketing materials should be here soon to start the campaign to encourage people to sign up and download the app. We have information on township website and face book already.

Constant Contact – D.ASURE reported that she spoke with the company. For up to 2500 contacts per month it will be \$45.00 per month, no contract, end at any time.

J. Belvin made a motion, seconded by R. Wielebinski, to have the township manager work with Constant Contact to create the database for township use at a cost of \$45.00 per month for up to 2500 contacts. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

TOWNSHIP ENGINEER REPORT:

White Oak Culvert replacement project - no report

Right Hand Turn Lanes - discussion took place on the LSA grant and the cost of doing this project

TLC Bridge- Bid to be opened on August 5, 2019

TLC Dam - Plans being worked on to provide information to the grant writer

Culvert Cleaning Maintenance - No report

Master Sidewalk Plan - Everything has been submitted to grant writer on behalf of the township

Erosion and Sedimentation Ordinance – discussed earlier. Very important to move this forward with the planning commission

Well at Mountain View Park -

R. Wielebinski made a motion, seconded by J. Lastowski, to award the bid for the drilling of the well and abandoning the old well to Mayer's Well Drilling for a cost of \$14,450.00, contingent upon the township engineer and township solicitor preparing an agreement with all necessary documents to be executed by both parties. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

MS4 - no update

Bridge Inspections – looking at these as part of the Capital Improvement Plan

TOWNSHIP SOLICITOR REPORT

Exxon Monitoring Wells - DEP taking action against owner

White Oak Culvert easements - Documents have been signed and notarized and will now be recorded

Breezewood Drive Easements – no update

Camelback Tornado Ride LIC – Discussion took place on this project. No action taken

Camelback Tubing Slope – J. Lastowski made a motion, seconded by C. Kilby, to authorize the release of the Letter of Credit for the Camelback Tubing Slope in the amount of \$250,759.30. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Injunction – 123 Windy Hill Drive – L. DeVito, Twp. Solicitor reported on the court hearings that lead to the injunction granted for 123 Windy Hill Drive. The Judge ordered that the home shall have an occupancy of no more than six (6) people, who are acting as a family and the basement area is banned from habitation. The court hearing on this injunction has been scheduled for October 31, 2019.

Expansion of BCRA water service area – Discussion took place on the request from BCRA to have the township pass an ordinance to expand the water service area and provide for mandatory hook-ups in the Area of Route 715 to several commercial properties. After discussion the board stated they would look favorably on this request as part of the entire discussion concerning the sale of PJJWA.

PJJWA Meeting – L. DeVito, Twp. Solicitor, reported on the outcome of a meeting with stakeholders in the sale of PJJWA to BCRA. It was reported to be a positive meeting with work still yet to be done to make this happen. The solicitors involved from all entities will be meeting on July 25, 2019 to discuss the agreement.

Recouping of Attorney Fees – Solicitor DeVito stated he would report on this at the next board meeting.

PUBLIC COMMENT: none

ADJOURNMENT:

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 10:08pm. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.