

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**REGULAR MEETING MINUTES**

**JULY 16<sup>th</sup>, 2018 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on Monday, 07/16/2018 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, present; 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; Pamela Tripus, Township Secretary; Frank Cefali, Twp. Treasurer, and Paola Razzaq, Twp. Bookkeeper, were present.

**PUBLIC COMMENT:** None

**ANNOUNCEMENTS:**

The Post Office Box was closed as of 07/01/2018.

An Executive Session was held on 07/09/2018 to discuss personnel.

An Executive Session was held on 07/16/2018 to discuss personnel and litigation.

**HEARINGS -**

Donna Kenderdine, Court Reporter, in attendance.

Ordinance 2018-05 amending Ordinance 110, Zoning Ordinance - J. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained the amendments.

J. Lastowski opened the hearing to public comment. Hearing none.

J. Lastowski made a motion, seconded by B. DeYoung, to close the hearing for Ordinance 2018-05. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

B. DeYoung made a motion, seconded by R. Wielebinski, to adopt Ordinance 2018-05 - Amending Ordinance 110 - Zoning Ordinance. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Ordinance 2018-06 - amending Ordinance 77 - SALDO - J. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained the amendment. J. Lastowski opened the hearing to public comment. Hearing none. J. Lastowski made a motion, seconded by R. Wielebinski, to close the hearing for Ordinance 2018-05. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by J. Belvin, to adopt Ordinance 2018-06 - Amending Ordinance 77 - SALDO. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**HEARINGS CONT:**

Ordinance 2018-07 - Medical Marijuana - J. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained the ordinance. J. Lastowski opened the hearing to public comment. Hearing none. R. Wielebinski made a motion, seconded by J. Lastowski, to close the hearing for Ordinance 2018-07 - Medical Marijuana. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by B. DeYoung, to adopt Ordinance 2018-07 -Amending Ordinance 110 - to provide for the establishment and regulation of medical marijuana facilities and repealing all ordinances inconsistent herewith. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**PRESENTATIONS:**

Spirit of Swiftwater - Flag Lot - Gary Fitch, Empire Professional Management, and Rudolf Wolff, P.L.S. Keystone Consulting Engineers, represented the plan. R. Wolff explained the plan subdivides the two projects. J. Tresslar noted he agreed with the request and flag lots are permitted under the SALDO, if the Board of Commissioners approve. Discussion followed on the approved HOP and projects. Ron Swink, PC Chairman, noted the PC was in favor to the request.

R. Wielebinski made a motion, seconded by J. Belvin, to grant the request of the Spirit of Swiftwater approving the subdivision as it meets the definition of a flag lot. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**OLD BUSINESS:**Minutes:

J. Lastowski made a motion, seconded by B. DeYoung, to approve the minutes of the 07/02/2018 Board of Commissioners. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 07/09/2018 Work session. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**NEW BUSINESS:**Personnel:

Public Works Hiring - D. Asure, Twp. Manager, explained 25 applicants applied, 16 candidates were interviewed, and after interviews, three candidates were being recommended for hiring.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve the hiring of Mitch Bartholomew, Kevin Lauer, and Steve Duryea for the Public Works Department contingent upon positive reference checks and passing the pre-employment drug and alcohol tests, effective 08/01/2018 with a starting salary of \$18.20 as required by the Public Works Collective Bargaining Agreement. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**NEW BUSINESS CONT:**Financial Transactions:

2<sup>nd</sup> Quarter Fiscal Report - Frank Cefali, Twp. Treasurer, gave the 2<sup>nd</sup> Quarter Fiscal report noting the Township was in compliance with the budget. J. Lastowski thanked Frank Cefali, Paula Razzaq, and Donna Asure, for their work. D. Asure, Twp. Manager, noted P. Razzaq has been working with the Twp. Insurance company to confirm sewer costs - Pollution insurance, etc. - to reimburse the general fund.

Ratify Vouchers Payable

J. Belvin made a motion, seconded by B. DeYoung, to ratify vouchers payables received through 07/13/2018 in the amount of \$1,820.15. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Ratify Gross Payroll

J. Lastowski made a motion, seconded by R. Wielebinski, to ratify gross payroll for pay period ending 07/01/2018 in the amount of \$80,445.44. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Vouchers Payable

J. Lastowski made a motion, seconded by R. Wielebinski, to approve vouchers payable received through 07/13/2018 in the amount of \$173,933.37. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Capital Expenditures

J. Lastowski made a motion, seconded by R. Wielebinski, to approve capital expenditures received through 07/13/2018 in the amount of \$36,192.27. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Travel/Training Authorization - None

**REPORT OF THE PRESIDENT:**

Fire Incident - 07/11/2018 Rt. 611 and Warner Road - J. Lastowski, President, acknowledged the volunteers of the Pocono Township Fire Department and Emergency Services for their quick actions during the recent tanker truck fire on Rt. 611. He noted the Township owes a debt of gratitude for the volunteers' quick action, which prevented a disaster from happening.

Green-Light-Go Grant - J. Lastowski noted the Green-Light-Go Grant was approved for \$359,658.00 to install an adaptive traffic signal system at seven intersections along Rt. 611 and Rt. 715. Discussion followed.

**COMMISSIONERS COMMENTS:**

Robert DeYoung, Vice President - No report

Harold Werkheiser, Commissioner - Absent

Richard Wielebinski, Commissioner

PMA - Sewer Consulting Services - R. Wielebinski explained PMA has been working for the Township without a contract.

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Township Solicitor to create a contract between Pocono Township and PMA (Patrick Briegel - Pocono Management Associates, LLC) until 12/31/2019, for sewer consulting services. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Jerrod Belvin, Commissioner

Four cameras for Mt. View Park - J. Belvin noted the additions of cameras at Mt. View Park is part of Township's commitment to the safety of residents and visitors whom use the park.

J. Belvin made a motion, seconded by R. Wielebinski, to approve the quote provided by ARGS Technology to purchase and install four cameras at Mountain View Park at a cost of \$5,814.12 to be paid from the capital reserve fund. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

UCC & State Requirements - Fire suppression requirements - J. Belvin explained with the change of the State law allowing firework sales to Pennsylvania resident, he would like to see the Township take steps to assure the safety of those facilities, which sell fireworks by requiring UCC & State regulation on fire suppression systems. Discussion followed on fire suppression criteria for new and existing facilities.

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the Township Solicitor, Zoning Officer, Chief of Police, and Township Manager to draft an updated Firework's ordinance including any UCC & State requirements for fire suppression systems in Firework stores. Should no UCC fire suppression requirements exist, authorize the inclusion of such requirements in the updated ordinance. B. DeYoung questioned tent firework sales. Discussion followed on limits of times allowed verses type of display. Michael Tripus, Zoning Officer, noted the State adopted new guidelines and UCC requirements will be required for all fireworks stores. J. Lastowski opened the meeting to public comment. Hearing none. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

1563 Sullivan Trail - J. Belvin explained a complaint was made concerning a dangerous structure at 1563 Sullivan Trail. M. Tripus, Zoning Officer, noted the property was cited numerous times. Discussion followed. J. Lastowski opened the meeting to public comment. Hearing none

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the Twp. Zoning Officer to conduct an investigation at 1563 Sullivan Trail for possible dangerous structures violations due to complaints received. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Electronic Device Ordinance - J. Belvin explained it is for regulating the electronic devices such as small gambling machines, jute boxes, etc. J. Belvin made a motion, seconded by R. Wielebinski, to authorize the Twp. Solicitor to develop a draft electronic device ordinance for review and discussion by the Board of Commissioners. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**REPORTS:**

**EMERGENCY SERVICES:**

Police - Kent Werkheiser, Chief of Police, thanked all volunteers from Pocono Township Volunteer Fire Company, Jackson Township Volunteer Fire Company and Blue Ridge Volunteer Fire Company, who assisted with the tanker fire. He gave his report for June.

J. Belvin asked about the License Plate Readers. K. Werkheiser noted they have started using the LPRs with success.

EMS-Rodney Wolfe gave the June report for St. Luke's Ambulance. He noted subscriptions renewals were mailed. He thanked the Board for the donation of the car.

Fire - J. Lastowski noted the Pocono Township Fire Company's carnival runs until July 21<sup>st</sup>.

Park Board Jennifer Fisher, Secretary of the Park Board, reported on the events and pavilion rentals for Mt. View Park. She noted the Park Board is working on short and long term goals. J. Lastowski thanked the Park Board.

Finance Committee - No report.

**ADMINISTRATION - MANAGER'S REPORT**

Playground Pros - D. Asure noted additional site work is required. J. Lastowski made a motion, seconded by J. Belvin, to revise the motion made on 04/30/2018 Board of Commissioners meeting, awarding the quote for rubberized flooring at Mountain View Park, to Playground Pros, originally quoted and approved at \$12,375.00 and revised to \$14,275.00 due to additional necessary site work, and still as the lowest of quotes received. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

MetroAlert License - D. Asure explained Police Chief K. Werkheiser has requested the additional licenses. Discussion followed.

J. Belvin made a motion, seconded by R. Wielebinski, to approve the request by Chief Werkheiser for the purchase of three additional MetroAlert licenses at a cost of \$5,006.85, which will also increase the annual maintenance agreement cost by \$810.00 to approximately \$3,476.02. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Correction to Car identified for Municibid - D. Asure, Twp. Manager noted a correction to the year of the Police car authorized to be sold on Municibid. It was incorrectly identified as a 2013 Ford Taurus and is 2014 Ford Taurus. J. Lastowski opened the meeting to public comment. Hearing none. J. Lastowski made a motion, seconded by R. Wielebinski, to correct the motion to authorize the sale of a 2014 Ford Taurus. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Comprehensive Plan - D. Asure noted she is working on a meeting with MCPC to discuss.

**PUBLIC WORKS REPORT:**

Paving Project Update - D. Asure, Twp. Manager, updated the Board on the progress.

Truck Update - D. Asure noted the Truck is expected to be delivered by the fall.

**TOWNSHIP ENGINEER REPORT**

Status Report on Sewer Redesign - J. Tresslar, Twp. Engineer, they are waiting for the fence around Valve Station #1. L. DeVito, Twp. Solicitor, explained he is working with Stroud Township on their updated fence ordinance.

Route 611 Sewer Line Relocation Work Update - J. Tresslar, Twp. Engineer, explained they met with UGI and UGI has agreed to move their line away from the Township's sewer line. He explained UGI is extending their line from the School down. J. Lastowski questioned the UGI proposed extension up Upper Swiftwater Road to the Pocono Township line. J. Tresslar will confirm.

Sanofi Sanitary Sewer Easement - No report.

Enclosure for Valve Station #5 - J. Tresslar, Twp. Engineer, explained the bids for both the stick built and prefab were high.

Update on White Oak Culvert replacement project - J. Tresslar, Twp. Engineer, waiting for DEP.

Update Fish Hill Road Storm System Notice of Violation from MCCD - J. Tresslar, Twp. Engineer, explained it took additional time to clean out the drainage system. He will meet with the Monroe County Conservation District to discuss the project. R. Wielebinski questioned if they will clean out the Learn Road drains. Discussion followed. D. Asure, Twp. Manager, explained the cost was above the original estimate. J. Lastowski requested an itemized invoice for the cost of Fish Hill cleanout of the drainage.

**TWP ENGINEER REPORT - FISH HILL CONT:**

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Twp. Engineer to obtain a quote for cleaning Learn Road drainage. Discussion followed on improving the maintenance on the Township drainage systems. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Update on grant for right hand turn lanes from Rt. 611 onto Rimrock and Bartonsville Ave. J. Tresslar, Twp. Engineer, spoke to PA State Senator Mario Scavello and they are requesting an actual construction cost for the grant request.

Bids for Pump Station #5 Enclosures - J. Tresslar, Twp. Engineer, in his letter dated 07/16/2018 recommended rejection of both bids. J. Lastowski opened the meeting to public comment. Hearing none J. Lastowski made a motion, seconded by J. Belvin, to reject all bids received for the screw screen cover for PS#5. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

J. Lastowski requested J. Tresslar to inspect the sidewalk at TLC.

**TOWNSHIP SOLICITOR REPORT**

Update on Exxon Monitoring Wells - L. DeVito, Twp. Solicitor explained they have not contacted him.

2990 Route 611 - Dangerous Structure - L. DeVito, Twp. Solicitor explained due to a technicality it was withdrawn. He requested the Board authorize the Zoning Officer to investigate. R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Twp. Zoning Officer to investigate 2990 Rt. 611 (Tax ID: 12/8/2/75) for possible dangerous structure violations. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Michael Tripus, Zoning Officer, updated the Board on the progress of the dangerous structures. He noted Lot 1 Swiftwater has been removed, demo permits were issued for 2765 Rt. 611 and 2975 Bartonsville Ave., and the structures on Shine Hill Road were removed.

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Twp. Zoning Officer to investigate 1923 Rt. 611, Swiftwater for possible dangerous structure violations. J. Lastowski opened the meeting to public comment. Hearing none. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Werkheiser Settlement Agreement - L. DeVito, Twp. Solicitor, explained the settlement agreement is the first step in resolving all three of the Harold Werkheiser claims. He noted it will not include any exchange of funds.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the Settlement Agreement and full and final release of all claims with Harold Werkheiser and authorize the President of the Board of Commissioners to execute the necessary documents. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 8:45 p.m. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Respectfully submitted  
Pamela Tripus  
Township Secretary