

POCONO TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING

JUNE 15<sup>th</sup>, 2015 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 06/15/2015 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; Tim Edinger, T&M Associates, Twp. Engineer; Gregg Schuster, Twp. Manager; Gina Zuvich, Twp. Treasurer; and Pamela Finkbeiner, Twp. Secretary, were present.

**ANNOUNCEMENTS:**

The Pocono Township Planning Commission's regular meeting on 06/22/2015 will be held in the hall of the Central Pocono Ambulance Building, Tannersville, PA.

On 06/11/2015, the Board of Commissioners met in executive session to discuss sewer litigation and the Grossi appeal.

**MINUTES:**

J. Lastowski made a motion, seconded by P. Nish, to approve the 06/1/2015 regular meeting minutes. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

P. Nish made a motion, seconded by T. Felver, to approve the 06/11/2015 Special meeting minutes. Roll call vote: R. Wielebinski, yes; J. Lastowski, abstained; T. Felver, yes; P. Nish, yes; and B. Wise, abstained. Motion carried.

**BILLS AND TRANSFERS:**

G. Zuvich, Twp. Treasurer, noted check 53362 - ULINE in the amount of \$113.54, is incorrectly noted as General Fund and is a Park fund invoice. T. Felver made a motion, seconded by R. Wielebinski, to approve the Check listing dated 06/15/2015 as amended. 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 noted under Note. 11B - Trip Ruvane is not in attendance and Maria Bonawitz, Twp. resident, will be added for the Bicentennial Celebration Committee vacancy.

**PUBLIC COMMENT:**

Monica Gerrity, Twp. resident, requested the Board advertise Evan Makuvek, Environmental Planner's phone number-570-517-3341 for residents to sign up for gypsy moth infestations.

**PUBLIC COMMENT CONT:**

R. Wielebinski noted there maybe funding and assistance from the State for spraying of Gypsy Moths.

J. Cilurso, Twp. resident, spoke concerning past Gypsy moth spray programs in Pocono Township.

R. Wielebinski made a motion, seconded by P. Nish, to authorize the Twp. Manager to draft a letter to the Monroe County Commissioners requesting the use of the State Contract for spraying of Gypsy Moths next year. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Motion carried.

Arthur Berry, Camelback Resorts, apologized to the Board for the Media Day event held before the Certificate of Occupancy was issued.

Randy Peechatka, Twp. resident, questioned the status of New Jersey Boom property.

**REPORT OF THE PRESIDENT:** None

**COMMISSIONERS COMMENTS:**

Jerry Lastowski, Vice President, reported a meeting was held with Sanofi concerning the sewer odor problem. He noted Sanofi is willing to treat their effluent if the Township requires. He attended the Northampton Community College summer program, kick-off event at Mt. View Park.

Tom Felver, Commissioner, noted NCC contacted him on the lack of support by Park and Recreation for the NCC Kick-off event.

Peter Nish, Commissioner, no comment.

Brad Wise, Commissioner, commented on the Sanofi's sewer discharge and the odor problem.

Dangerous Structures - B. Wise conducted a survey of dangerous structures along Rt. 611 & 314. He requested the Board consider taking action to address the issue of dangerous structures. T. Felver suggested the Township contact Pocono Manor concerning the two abandoned homes on their property.

L. DeVito, Twp. Solicitor, explained the process to create dangerous structure ordinance and/or property maintenance code. J. Lastowski requested the Township consider working with property owners, first before legal action is taken. P. Nish noted the Township should prioritize which problems the Township goes after before additional projects are started. Discussion followed.

Jennifer Wise, Twp. resident, spoke concerning non-conforming structure as once removed, the property owner may lose rebuilding on the site. She recommended the Board not penalize non-conforming property owners to rebuild.

Judi Coover, Twp. resident, noted the State is debating a tax for blighted structures which may give additional funding to the Township. She noted the Township could be responsible for the cost to remove the structures if the owner was unable to pay.

**REPORTS:**Emergency Services:

Pocono Township Police Chief Kent Werkheiser gave his report of the activities of the department for May.

Pocono Township Fire Company - Fire Chief Mike Shay was absent.

Central Pocono Ambulance Manger Linda Smith reported 232 calls were handled, 92 from Pocono Township.

Administration

Township Manager Gregg Schuster gave his report. P. Nish questioned the Police Staffing plan. G. Schuster explained Chief Werkheiser has been working on the staffing plan, independent from the DCED review. B. Wise requested a draft of the Capital Improvement Project. G. Schuster, Twp. Manager, noted Jeffrey Clapper, Public Works Director, is creating the draft with CIP committee. T. Felver acknowledged the good work the committee is doing on the CIP plan.

- 1) Jennifer Wise Claim - G. Schuster explained the Jennifer Wise claim for reimbursement to install two p-traps in properties that have experienced an odor problem. J. Lastowski stated in his option, the Township should reimburse residents the cost of a p-trap for those properties which have odor problems. P. Nish agreed that the Township should assist property owners. T. Felver questioned the costs to install p-traps for the 20 residents involved. B. Wise noted the Township did not adopt the resolution to require a p-trap as recommended by the Sewer Committee and requested the Board to do adopt the p-trap resolution. Discussion followed. Jennifer Wise requested direction from to Board to permit the p-trap installation and reimbursement of the cost of installation at \$245.00 each. L. DeVito recommended J. Wise contact BIU for the permit. Discussion followed.

J. Lastowski made a motion, seconded by P. Nish, to offer up to \$1,000.00 for the installation of P-traps for 20 properties already connected if an odor problem exists. B. Wise noted the cost can be greater for homes where a p-trap is not easily installed. J. Lastowski noted the Board can revisit each case, if necessary. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, abstained; P. Nish, yes; and B. Wise, abstained. Motion carried. G. Schuster recommended that any residents with a problem should contact the Township with an estimate of cost of installation of p-traps.

T. Felver questioned the process for reimbursements.

J. Coover, Twp. resident, questioned where the funds would come from in the budget.

Carol Wise, Twp. resident, asked if the Board will pay for their invoices from the p-trap excavation and installation. L. DeVito requested Carol Wise submit invoices for only the p-trap installation.

2) Sewer Inspections - G. Schuster noted T&M Associates has been conducting the sewer lateral reviews and inspections. He noted BIU is capable of the inspections and T&M can provide oversight for the inspections. T. Felver asked why the Township should pay additional funds for oversight if BIU is qualified to do the job. T. Edinger noted BIU is an inspection service but should a problem arise, T&M would be contacted to resolve the issue. He noted UCC codes state BIU is responsible for the issuance of the permits. R. Wielebinski stated if BIU is following the regulations, then the Township does not need to pay T&M for the same work, unless a problem exists. J. Lastowski noted having Mark Ambrose working with the property owners to explain the process and work with them through installation is worth the cost. R. Wielebinski noted since BIU is relying on T&M's inspections then the liability is on T&M Associates for all lateral hookups, if they continue to do the inspections. T. Edinger suggested a pre-application and fee for hookups allowing Mark Ambrose, Twp. Engineer, to review the plans. P. Nish noted if two organizations are doing the same thing, then a clear policy should be defined. T. Felver stated the Twp. has the highest costs got sewage and the Township should do everything to reduce costs. T. Felver questioned why, if a property owner pays for the inspection with BIU, should the Township pay for the engineer to inspect, too. He requested the Board set the policy for lateral inspections.

R. Wielebinski made a motion, seconded by T. Felver, to authorize BIU to permit & conduct the inspection the sewer laterals. T. Edinger stated T&M Associates want out of the process once BIU handles official application.

Roll call vote: R. Wielebinski, yes; J. Lastowski, no; T. Felver, yes; P. Nish, abstained, and B. Wise, no. Motion failed.

P. Nish abstained until additional information is presented.

Judi Coover, Twp. resident, questioned why the Township is paying the engineer doing the inspections which BIU is required to do.

Doug Olmstead, Twp. resident, spoke concerning Building Code inspections and an engineer's roles.

R. Wielebinski noted the Township is looking at keeping the cost down for the additional 200 properties hookup.

3) Bucket Truck Purchase G. Schuster noted the Township did not receive the LSA grant for the bucket truck.

Jeffrey Clapper noted he received three quotes to upgrade the lift, lowest for Mobile Lifts - \$52,000.00

T. Felver questioned the need for a bucket truck and if the Township could contract out for the services. Discussion followed as to the need of a bucket truck. No action taken. R. Wielebinski requested J. Clapper to obtain proposals for tree removal and Bucket truck services.

Township Engineer Tim Edinger updated the Board on the C. Castle project and amendment to the Act 537 plan.

## REPORTS CONT:

Township Solicitor Leo DeVito

1. Sewer Litigation Settlement - L. DeVito explained the Linde Corporation Settlement with Pocono Township. R. Wielebinski made a motion, seconded by T. Felver, to approve the Sewer Litigation Settlement, Release, and Confidentiality Agreement for SR 0611 Pocono and Hamilton Township Sewerage System Project, Contract No. 6. Pocono Township shall be paid Two Hundred Fifty Thousand Dollars (\$250,000.00) settlement sum. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, abstained.
2. Sal's Tire - L. DeVito noted the property was cited for a sign violation and the District Court awarded an approximate fine of \$12,000.00. The Judgement has been transferred to Monroe County Courts of Common Pleas for collection.
3. Furino Matter - L. DeVito noted he has reviewed the case and in his opinion it was not favorable for the Township to appeal. No action taken.

Township Treasurer Gina Zuvich gave the Treasurer's report. She reviewed the revenues and expenditures for May.

**PRESENTATIONS**

Bicentennial Celebration Committee Jennifer Fisher addressed the board and updated the Board on the Bicentennial Celebration's Committees activities. Interview - Trip Ruvane and Maria Bonawitz(Bicentennial Celebration Committee - G. Schuster noted Trip Ruvane was not a Township resident but was business owner within the Township. R. Wielebinski made a motion, seconded by T. Felver, to appointed Maria Bonawitz to the Bicentennial Celebration Committee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes.

T. Felver made a motion, seconded by R. Wielebinski, to approve Trip Ruvane to the Bicentennial Celebration Committee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, abstained.

**ORDINANCES**

Ordinance 2015-08 regulating Fireworks - L. DeVito, Twp. Solicitor, explained the Ordinance requirements. R. Wielebinski opened the hearing. Judi Coover, Twp. resident, questioned the cost of the fine and if it would apply to private homeowners setting off illegal fires. Ken Schuchman, Odd-Lots Fireworks, spoke concerning allowing for smaller fireworks displays. Jennifer Wise, Twp. resident, spoke concerning the permitting of smaller displays. Art Berry, Camelback Resorts, questioned the permitting of displays. L. DeVito requested the Board set the fee for the Fireworks permit. T. Felver made a motion, to set the fee at \$99.00. Motion failed for lack of second.

R. Wielebinski made a motion, seconded by J. Lastowski, to set the permit fee at \$100.00. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes. Hearing no other public comment, R. Wielebinski closed the hearing. R. Wielebinski made a motion, seconded by T. Felver, to approve Ordinance 2015-08 regulating Firework's Displays. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes.

R. Wielebinski made a motion, seconded by J. Lastowski, to authorize the Twp. Solicitor to research and amend Ordinance 2015-08 - Fireworks to include smaller type display and to advertise said Ordinance and hold a special meeting 06/30/2015 at 9:00 a.m. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes.

P. Nish made a motion, seconded by J. Lastowski, to schedule a special meeting at 06/30/2015 at 9:00 a.m. to approve the amendment to Ordinance 2015-08 - regulation of Fireworks, and authorize the Twp. Solicitor to advertise the same. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes.

Ordinance regulating Tobacco at Township Facilities - L. DeVito reviewed the draft ordinance. He requested direction on including the use of tobacco products in Twp. Vehicles and Equipment and the use of medical marijuana if legalization. J. Coover, Twp. resident, questioned if employee handbook rules on smoking. Discussion followed. T. Felver made a motion, seconded by P. Nish, to authorize the Twp. Solicitor to amend the Draft Ordinance regulating Tobacco to include Twp. Vehicles and equipment and set the fine at \$100.00. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes.

**RESOLUTIONS:** None

**PUBLIC COMMENT:** Ridgley Werkheiser, Twp. resident, spoke in support of Camelback resort and Aquatopia.

**ADJOURNMENT:** R. Wielebinski made a motion, seconded by P. Nish, to adjourn the meeting at 10:25 p.m., until 07/06/2015 at 7:00 p.m., at the Pocono Township Municipal Building, Tannersville, PA. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; T. Felver, yes; P. Nish, yes; and B. Wise, yes.

Respectfully submitted  
Pamela Finkbeiner  
Township Secretary