

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**REGULAR MEETING MINUTES**

**MARCH 19<sup>th</sup>, 2018 7:00 P.M.**

The Regular meeting of the Pocono Township Commissioners was held on Tuesday, 03/19/2018 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; and Pamela Tripus, Township Secretary, were present.

**PUBLIC COMMENT:**

Maxine Turbolski and Christopher Ortolan, Twp. residents, questioned the Charles Vogt Agreement. L. DeVito, Twp. Solicitor, explained Charles Vogt was terminated by the prior board and an offer was made by the prior board. L. DeVito explained, Charles Vogt felt he had valid documentation to make a claim against the Township and after further negotiations and review of claim documents, the Board and Charles Vogt agreed to the settlement and the release.

Christopher Ortolan, Twp. resident, asked Commissioner Wielebinski and Commissioner Belvin for their opinion on the change in public comment. R. Wielebinski explained he followed up with PSATS and noted the change still allows public comment. He noted the agenda has been changed to include more information and detail. The overall goal is to allow the meetings to be run more professionally.

J. Belvin, noted he spoke to the County Commissioners and School Board members concerning the change in meeting format for Public Comments. He noted the public is invited to the Work sessions and the Board has discussed adding bullets to the work session minutes to keep the public better informed.

Christopher Ortolan, Twp. resident, voiced his opinion against the change in Public Comments format. Discussion followed.

J. Lastowski noted the Board will consider making changes, if problems are found with the new format.

Diane Zwiefel, Twp. resident, read an email from State Representative Jack Rader concerning allowing public comment.

J. Belvin noted he and other Commissioners met and discussed the change to Public Comment with State Representative Jack Rader.

Ellen Gndt, Twp. resident, commented on the Charles Vogt release and threat of the claim. J. Lastowski explained the potential cost of the lawsuit would outweigh the cost of the settlement. L. DeVito, stated the threats of the claim.

Jake Singer, Twp. resident, questioned the expansion of Flute Road by MCTA.

Ellen Gndt, Twp. resident, questioned where the money to settle the C. Vogt will come from. D. Asure explained it will come through payroll.

**PUBLIC COMMENT CONT:**

Diane Zwiefel, questioned if legal action could be taken. L. DeVito, Twp. Solicitor, noted it was not acted on by the prior Board or current Board.

**ANNOUNCEMENTS:**

Executive Session was held on March 14<sup>th</sup>, 2018 for personnel matters  
Executive Session was held on March 19<sup>th</sup>, 2018 for personnel matters

**HEARINGS:**

Ordinance 2018-03 - Repealing Ordinance 2018-01 - L. DeVito, Twp. Solicitor, opened the hearing and explained after the Ordinance was approved, there was a question on the legal ownership of the land. Vincent Trapasso, property owner on Wiscasset Ave. questioned the impact to his properties. Jon Tresslar, Twp. Engineer, explained the request is to vacate the portion of Wiscasset Ave., in front of Pocono Brew Pub which is to be abandoned by the PennDOT 611 project. Lori Zimmerman, party of the Robert Miller Estate, asked why the Ordinance would be repealed. Silvio Vitiello, owner of Running Lane, noted he had an agreement of sale. L. DeVito explained an agreement of sale is not legal ownership. L. DeVito, Twp. Solicitor, explained the legal owners will be required to submit the petition. Hearing no other public comment. L. DeVito closed the hearing. B. DeYoung made a motion, seconded by R. Wielebinski, to close the hearing. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to adopt Ordinance 2018-03 - repealing Ordinance 2018-01 granting the request to vacate a portion of Wiscasset Lane. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Ordinance 2018-04 - Liquor License Transfer - Dhavni Corporation to 2740 Route 611 - L. DeVito, Twp. Solicitor, opened the hearing. Matthew Anderson of Norris, McLaughlin, & Marcus, P.A. represented the applicant. He explained the transfer is for Liquor License No. R-18213 from former Alpine Mountain Resort, Inc., in Henryville to 2740 Rt. 611, Tannersville. The applicant wishes to sell beer and wine. J. Lastowski questioned if the building will be expanded and noted the 611 & 715 realignment. Payal Patel, Dhavni Corp., explained a portion of the building will be altered to allow for a seating area for the liquor sales as required. R. Wielebinski commented on the parking spaces. Christopher Ortolan, Twp. resident, questioned how the Twp. can determine the number of liquor licenses allowed in a Township. L. DeVito explained the Township may commission a study to provide information on liquor licenses. Hearing no other public comment, L. DeVito closed the hearing. R. Wielebinski made a motion, seconded by J. Belvin, to close the hearing. Roll call: 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 adopt Ordinance 2018-04 - Approving the Intermunicipal transfer of Liquor License No. R-18213 into Pocono Township. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, no; and J. Belvin, yes. Motion carried.

Full copies of the Transcripts for the above hearings may be obtained from Panko Reporting.

#### **MINUTES:**

R. Wielebinski made a motion, seconded by J. Belvin, to approve the Special Board of Commissioner meeting minutes of 03/14/2018. P. Tripus noted a correction to the header. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

#### **PERSONNEL**

The Board of Commissioners convened into executive session at 7:55 p.m. to discuss a personnel issue and reconvened at 8:15 p.m. No action was taken.

#### **FINANCIAL TRANSACTIONS**

R. Wielebinski made a motion, seconded by B. DeYoung, to ratify gross payroll totaling \$78,785.87 for pay period ending 03/11/2018. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

B. DeYoung made a motion, seconded by J. Belvin, to approve vouchers payable totaling \$183,928.29 for period ending 03/16/2018. D. Asure explained the vouchers payable was revised to reflect a reduction due to a duplicate payment and the addition of payment for reimbursement to R. Wielebinski for PSATS training and expense. Roll call: R. Wielebinski, abstained; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

#### **REPORT OF THE PRESIDENT**

Gerald Lastowski, President

##### Board of Commissioner Bylaws -

R. Wielebinski made a motion, seconded by J. Belvin, to adopt the Pocono Township Board of Commissioners Bylaws. Roll call: R. Wielebinski, abstained; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

##### Policy on Work Session Minutes -

R. Wielebinski made a motion, seconded by B. DeYoung, to adopt the following policy: J. Lastowski spoke in favor of limiting the minutes to whose present, date, time and public comment as before. R. Wielebinski and J. Belvin spoke to include a bullet list of items discussed. Discussion followed. To better clarify the motion, R. Wielebinski withdrew his motion, B. DeYoung withdrew his second.

R. Wielebinski made a motion, seconded by B. DeYoung, to adopt a policy for Work session minutes to include: minutes with bullet points, to list no formal action is taken, all public comment, date, time, and those in attendance. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

#### COMMISSIONERS COMMENTS

Robert M. DeYoung, Vice-President

Training - Duties of the Planning Commission - Sponsored by PATH (PA Training Hub) to be held on May 3, 2018 at Chateau Resort, with registration fee of \$50.00. B. DeYoung made a motion, seconded by R. Wielebinski, to open the invitation to all Planning Commission members interested and all costs will be covered by the Township. Since not an agenda item, J. Lastowski opened the meeting for Public Comment. No comment was heard. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Harold Werkheiser, Commissioner, absent.

Richard Wielebinski, Commissioner

Dangerous Structures - Mike Tripus, Twp. Zoning Officer, noted the notices of violations were sent.

Jerrold Belvin, Commissioner

COG Update - 911 Center is working the CAD and GIS updated. J. Belvin asked what the status is for 911. Discussion followed.

#### REPORTS:

Pocono Township Police - Kent Werkheiser, Police Chief, gave his report noting 689 incidents for the month of February. J. Lastowski requested an update on the applicants for hiring. K. Werkheiser noted the recommendation should be within 2 to 3 weeks. B. DeYoung questioned if the vehicles have been listed on Municibid. P. Tripus explained the vehicles were listed on Municibid for bidding and will be on the April 16<sup>th</sup>, BOC meeting.

St. Luke's Ambulance - Rodney Wolf Jr., St. Luke's Director & Transport Services, reported 114 calls were received. He thanked Jerrod Belvin, EMC, Donna Asure, Twp. Manager, Pocono Township Road Department, Pocono Township Police, and Pocono Township Fire Company for their work during the recent storm events. J. Lastowski thanked the Emergency Services for their work.

Pocono Township Volunteer Fire Company - Brad Harrison, Pocono Township Fire Chief, gave his report. He requested a meeting with the Board to discuss a volunteer driver. J. Lastowski noted the Board is aware of the issue and is working with the Twp. Solicitor and the Township Manager to resolve the issue.

**REPORTS - FIRE COMPANY-CONT:**

R. Wielebinski questioned if false alarms were being billed. B. Harrison requested guidance from the Board of Commissioners for how to proceed. Discussion followed. J. Lastowski suggested the Fire Company set up a meeting with the Twp. Manager and representatives of the Board to discuss.

Park Board - Charlie Trapasso, Park Board President, noted the calendar of events have been posted, three quotes were received from marketing companies, the new pavilion will be bid, and they will work with the Commissioners for the park opening and staffing.

Finance Committee - No report

Sewer Committee -

J. Lastowski noted a meeting will be held with BCRA on Friday at 9:00 a.m.

Administration - Manager's Report -

Beyer-Barber - GASB 75 Audit

R. Wielebinski made a motion, seconded by J. Belvin, to approve the quote from Beyer-Barber in the amount of \$3,700.00 to perform a GASB 75 Audit. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Lease-purchase of Copiers for Township and Police Buildings - D.ASURE, Twp. Manager, explained four quotes for a 48 month lease with buyout were received for three copiers, one for the Police Department and two for the Township building. Jamie Lodovici, Topp Business Solutions and Jim Becker, Access Office Technologies, were present. Discussion followed.

R. Wielebinski made a motion, seconded by B. DeYoung, to table the decision to enter into an agreement for the lease-purchase of three copiers for Pocono Township Municipal building and Police Department. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Enterprise Service Agreement - Vigilant Solutions -

L. DeVito, Twp. Solicitor, noted he would like additional time for clarification on the contract. No action taken.

Public Works Report -

Road Material Bid - D. ASURE, Twp. Manager, explained the Township received two bids.

J. Lastowski made a motion, seconded by J. Belvin, to award the Road Material Bid to Eureka Stone Quarry and Locust Ridge Quarry as lowest bidder in each respective category as listed on Attachment A. B. DeYoung questioned the amounts of R6 & R7. D. ASURE noted she worked with Jeffery Roback to compile the bids and amounts. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Sewer User Fee Reduction Date - D. Asure, Twp. Manager, explained BCRA cannot back date the bills. Refunds would be required to be compiled and issued by the Township. Discussion followed concerning costs to implement an earlier date.

J. Lastowski made a motion, seconded by J. Belvin, to make the sewer user fee reduction rate, approved in Resolution 2018-37 at the 03/14/2018 Board of Commissioner Special meeting, effective 4/1/2018. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Phone lines for SCADA System - D. Asure, Twp. Manager, explained a dedicated line is needed for the sewer system computer. Discussion followed. J. Belvin made a motion, seconded by B. DeYoung, to approve a new phone line with Verizon for the SCADA system in the amount of \$31.66 per month plus fees and taxes for a two year agreement. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Underground Fuel Tanks - D. Asure, Twp. Manager, explained at the last meeting the Board considered waiting until plans for the renovation were completed.

R. Wielebinski made a motion, seconded by J. Belvin, to rescind the directive to have the underground fuel tanks removed until further discussion concerning building renovations. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

#### TOWNSHIP ENGINEER REPORT

Status Report on Sewer Redesign - J. Tresslar, Twp. Engineer, noted the crane is installed at Valve Station #2, work is continuing at Valve Station #1, Verizon is installing the line for the SCADA system.

Route 611 Sewer Line Relocation Work Update - J. Tresslar has reached out to PennDOT and the consultant. PennDOT is estimating Leeward will start work the beginning of April.

Sanofi Sanitary Sewer Easement - J. Tresslar spoke to their Engineer and is waiting for PennDOT to determine the amount of the easement required.

Enclosure for Valve Station #5 - J. Tresslar expects to go out to Bid, next week for a prefab or 'stick' enclosure.

White Oak Culvert replacement project - J. Tresslar had completed the preliminary design and is preparing to submit to DEP. Part of the requirements is to remove the hump from the road. Discussion followed on alternative routes during construction. He suggested speaking to the neighboring home owners association to utilize the private road.

Fish Hill Road Storm System Notice of Violation from MCCD - J. Tresslar explained during a storm there was blow out of the drainage system. A stilling pond backed up water into the pipe and the swale was damaged. D. Asure, Twp. Manager, had the road department clean out the culvert box but the pipe is blocked. MCCD is requesting an E&S Plan for the repair.

Pump Station Repairs and Improvements - J. Tresslar, Twp. Engineer, reviewed his letter dated 03/15/2018 noting improvements to the pump stations. During the last two storms they observed the wiring diagrams for the Pump Stations did not match what exists and he noted T&M Associates, identified the problem previously. J. Tresslar received a proposal to rewire the stations at a cost of \$23,500.00. J. Tresslar explained two of the pump stations air release valves and compressors are not linked to the communication system. Cost to link is \$7,500.00. The mechanical floats are not wired properly and a quote to replace the floats and wire them to the system is \$10,500.00. D. Asure noted the quote for the floats was not included. R. Wielebinski questioned the condition of the floats. J. Tresslar will provide the Board with additional information on the floats. J. Lastowski made a motion, seconded by J. Belvin, to approve the improvements and repairs to the sanitary sewer pump stations as recommended in Boucher & James, Inc. letter dated 03/15/2018 for 1) Keystone Engineering Group consulting services to address wiring needs at the pumps stations in the amount of \$23,500.00; 2) Air release Valves monitoring system in the amount of \$7,500.00; and 3) \$15,000 for the wiring repairs; for a total not to exceed \$46,000.00. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

#### TOWNSHIP SOLICITOR REPORT

Update on Exxon Monitoring Well Agreement - L. DeVito, Twp. Solicitor, noted he reached out to Mr. Lopresti, project Engineer, concerning the agreement and is waiting on a response.

#### Charles Vogt Agreement -

R. Wielebinski made a motion, seconded by J. Belvin, to approve the settlement with Charles Vogt in the amount of \$16,666.67 less payroll taxes and authorize the President of the Board of Commissioners to sign the Agreement and General Release. Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Pocono Highlands - Section 5 - L. DeVito, Twp. Solicitor, explained he had received correspondence from Attorney John Dunn concerning the sale of the undeveloped portion of Pocono Highland Estates (Section 5) to a developer. Dion Campbell, Board member of Pocono Highland Estates Property Owners, requested the original approved plan be allowed to be developed as approved.

**PUBLIC COMMENT:**

Ellen Gndt, Twp. resident, questioned Section A of the by-laws and commented on the Charles Vogt contract.

**ADJOURNMENT INTO EXECUTIVE SESSION:**

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting into executive session at 9:35 p.m. The next regularly scheduled meeting will be held on April 2<sup>nd</sup>, 2018 at 7:00 p.m. at the Pocono Township Municipal Building, 112 Township Drive, Tannersville, PA.

Roll call: R. Wielebinski, yes; J. Lastowski, yes; B. DeYoung, yes; and J. Belvin, yes. Motion carried.

Respectfully submitted  
Pamela Tripus  
Township Secretary

## 2018 Road Materials Bid Results

ATTACHMENT A

### #1 - 3,000 Ton Da, DBA, Crushed Stone

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$6.00	\$18,000.00	\$9.57	\$28,710.00
Locust Ridge Quarry	\$7.59	\$22,770.00	\$13.42	\$40,260.00

### #2 500 Ton- Cold Patch, QPR High Performance

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$115.00	\$57,500.00		
Locust Ridge Quarry	\$131.00	\$65,500.00	\$136.83	\$68,415.00

### #3 200 Ton #57, 2B, 3/4" Crushed Stone

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$9.25	\$1,850.00	\$12.82	\$2,564.00
Locust Ridge Quarry	\$9.95	\$1,990.00	\$15.78	\$3,156.00

### #4 - 500 Ton Surge

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$9.75	\$4,875.00	\$13.32	\$6,660.00
Locust Ridge Quarry	\$12.00	\$6,000.00	\$18.58	\$9,290.00

### #5 - 500 Ton, #8, 1B, 3/8" Crushed Stone

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$14.00	\$7,000.00	\$17.57	\$8,785.00
Locust Ridge Quarry	\$15.25	\$7,625.00	\$21.08	\$10,540.00

**#6 - 500 Ton #1 Balast, 2-4" Crushed Stone**

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$9.00	\$4,500.00	\$12.57	\$6,285.00
Locust Ridge Quarry	\$9.90	\$4,950.00	\$15.73	\$7,865.00

**#7 - 500 Ton - 2RC**

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$6.00	\$3,000.00	\$9.57	\$4,785.00
Locust Ridge Quarry	\$7.59	\$3,795.00	\$13.42	\$6,710.00

**#8 - 500 Ton #3**

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	NA	NA	NA	NA

Locust Ridge Quarry	\$9.90	\$4,950.00	\$15.73	\$7,865.00
---------------------	--------	------------	---------	------------

**#9 - 50 Ton Gabion**

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	NA	NA	NA	NA

Locust Ridge Quarry	\$14.00	\$700.00	\$20.58	\$1,029.00
---------------------	---------	----------	---------	------------

**#10 - 200 Ton R-3**

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$10.50	\$2,100.00	\$14.07	\$2,814.00

Locust Ridge Quarry	\$14.00	\$2,800.00	\$19.83	\$3,966.00
---------------------	---------	------------	---------	------------

**#11 - 200 Ton R-4**

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$12.55	\$2,510.00	\$16.12	\$3,224.00
Locust Ridge Quarry	\$14.00	\$2,800.00	\$20.58	\$4,116.00

**#12 - 200 Ton - R-5**

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	N/A	N/A	N/A	N/A
Locust Ridge Quarry	\$20.00	\$4,000.00	\$28.83	\$5,766.00

**#13 - 200 Ton - R-6**

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	N/A	N/A	N/A	N/A
Locust Ridge Quarry	\$20.00	\$4,000.00	\$28.83	\$5,766.00

**#14 - 200 Ton - R-7**

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	N/A	N/A	N/A	N/A
Locust Ridge Quarry	\$21.00	\$4,200.00	\$31.33	\$6,266.00

**#15 - 500 Ton - Asphalt 9.5mm 0.0<0.3\*\***

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	\$50.70	25,350.00	50.70 + \$82/hr	\$82/hr
Locust Ridge Quarry	\$53.50	\$26,750.00	\$61.00	\$30,500.00

**#16 - 500 Ton - Asphalt 19mm 0.0<0.3\*\***

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	45.61	22,805.00	45.61 + \$82/hr	\$82/hr
Locust Ridge Quarry	\$49.00	\$24,500.00	\$56.50	\$28,250.00

**#17 - 500 Ton - Asphalt 25mm 0.0<0.3\*\***

Bidder	Unit Price		Unit Price Delivered	Total
	FOB	Total (2x6)		
Eureka Stone	41.39	20,695.00	41.39 + \$82/hr	\$82/hr
Locust Ridge Quarry	\$46.00	\$23,000.00	\$53.50	\$26,750.00

**Bidder****Eureka Stone****\*\*Based on March AC Index of \$447****Locust Ridge****Quarry****\*\* Escalation/de-escalation applies@ 447.00****\* red highlight designates lowest bidder**