

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 19th, 2018 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on Monday, 11/19/2018 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 J. Lastowski, present; Richard Wielebinski, present; Chad Kilby, present; Jerrod Belvin, present; and Harold Werkheiser, absent.

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:

Ellen Gndt, Twp. Resident, questioned the proposed Ordinance 2018-22 - changing of Commissioners' compensation and the legality of changing the statute to require attendance to receive the Commissioner's stipend.

J. Belvin explained it is to address a Commissioner, elected to the Board, who has only attended one and a half meetings in 2018; has not responded to a single phone calls or emails; and the Township is incurring costs, paid by the taxpayers, in trying to resolve his lack of attendance.

Ellen Gndt, Twp. Resident, stated it will be challenged.

L. DeVito, Twp. Solicitor, explained he has been authorized to send letters to the State Ethic Commission and Governor Wolfe's Office was contact approximately two months ago to start the removal process, but Governor has not responded to date. L. DeVito noted there is nothing that states a Commissioner must attend and there is nothing that states the Board cannot set an attendance requirement. L. DeVito noted the fifth Commissioners absence can cause a tie vote and impede the progress of the Township.

J. Belvin noted Commissioner Werkheiser was contact three times by mail to take the PEMA G402, FEMA ICS 100 & NIMS 700 training which may, due to his lack of training, hurt the Township's ability to get FEMA disaster funding.

Discussion followed.

ANNOUNCEMENTS:

An executive session for acquisition of real property and personnel was held 11/14/2018.

An executive session for personnel and the acquisition of real property, was held on 11/19/2018.

ORDINANCE HEARINGS:

Donna Kenderdine, Court Reporter, in attendance.

Ordinance 2018-18 - Vacation of Wiscasset

G. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained the vacation is for a portion of Wiscasset Road. J. Durney, Solicitor for the applicant, noted it is part of the minor subdivision plan for

ORDINANCE 2018-18 CONT:

Brookdale property. G. Lastowski opened the hearing to public comment, hearing none.

G. Lastowski made a motion, seconded by R. Wielebinski, to close the hearing. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

J. Belvin made a motion, seconded by C. Kilby, to adopt Ordinance 2018-18 - Vacation of Wiscasset Drive - between the ROW of 611 and Property owned by Brookdale Enterprises. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Ordinance 2018-19 - Abeel Road Speed Limit

G. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained a traffic study was completed for the project and a maximum speed limit of 35 mph was established. The Ordinance provides for setting the speed limit, enforcement, and posting of speed limit signs. G. Lastowski opened the hearing to public comment, hearing none.

G. Lastowski made a motion, seconded by C. Kilby, to close the hearing. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

C. Kilby made a motion, seconded by R. Wielebinski, to adopt Ordinance 2018-19 - establishing a maximum speed limit of 35 miles per hour for motor vehicles on Abeel Road in Pocono Township. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Ordinance 2018-20 - Fireworks

G. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained the amendment is provide for consumer firework sales and sets dates and times for setting off consumer fireworks.

G. Lastowski opened the hearing to public comment, hearing none.

G. Lastowski made a motion, seconded by R. Wielebinski, to close the hearing. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

J. Belvin made a motion, seconded by R. Wielebinski, to adopt Ordinance 2018-20 to amend the Code of Ordinances of Pocono Township, Chapter 200, Fireworks. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Ordinance 2018-21 - Intergovernmental Cooperation Agreement -

G. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained it is for an intergovernmental cooperation agreement for the purpose of developing a Regional Comprehensive Plan with Stroud Township, Stroudsburg Borough and Hamilton Township. G. Lastowski opened the hearing to public comment, hearing none. R. Wielebinski made a motion, seconded by C. Kilby, to close the hearing. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

ORDINANCE 2018-21 CONT:

R. Wielebinski made a motion, seconded by C. Kilby, to adopt Ordinance 2018-21 - providing for entering into an inter-municipal cooperation agreement for regional comprehensive land use plan updates. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried

Ordinance 2018-22 - Commissioner's Salaries and Compensation -

G. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained the amendment requires Commissioners to attend 75% of all meetings for each quarter unless medically excused. In the event a Commissioner fails to attend 75% of all meetings (Sewer, Regular, & Work sessions) per quarter, they will not receive compensation for that quarter. G. Lastowski noted it does not preclude phone-in attendance for meetings. G. Lastowski opened the hearing to public comment.

Ellen Gndt, Twp. Resident, stated that she did not believe the Board has the authority to do this and if the Board does do it, she will file an appeal within 30 days.

L. DeVito, Twp. Solicitor, noted the hearing was properly advertised. R. Wielebinski questioned the appeal process. L. DeVito, Twp. Solicitor, explained it can be appealed to Monroe County Court of Common Pleas to challenge the validity of the Ordinance. R. Wielebinski stated he felt the Board was being fair with the attendance requirement. J. Belvin expressed concern for the cost to the Township taxpayers for the appeal. L. DeVito, Twp. Solicitor, explained because the Board has been concerned with only four commissioners attending, a tie vote could hinder the operation of the Township. He noted the Board reached out to PA State Senator Mario Scavello's office and the State Ethic Commission. The Board authorized him to write to Governor Wolf's office. L. DeVito explained Commissioner Werkheiser has only attended 1 ½ meetings and the Board decided to encourage participation by limiting the compensation. He noted this Ordinance doesn't limit his rights as Commissioner to attend or participate in any Commissioner's duties. G. Lastowski requested L. DeVito to provide the total cost incurred to the Township for all work involved with Commissioner Werkheiser.

J. Belvin noted Commissioner Werkheiser has attended only 1 ½ meetings, has not responded to a single phone call, email or letter; has been requested to attend meetings; and has not obtained the FEMA training. R. Wielebinski noted Commissioner's Compensation can be set as zero. Discussion followed.

G. Lastowski made a motion, seconded by R. Wielebinski, to close the hearing. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried

J. Belvin made a motion, seconded by R. Wielebinski, to adopt Ordinance 2018-22 - amending the code of ordinances of Pocono Township, Chapter 60, Salaries and Compensation, Article 1, Commissioners. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried

Full transcripts of the hearings may be obtained by contacting Donna Kenderdine, Court Reporter.

WHITE OAK DRIVE CULVERT BID OPENING:White Oak Drive Culvert Bid Opening -

J. Tresslar, Twp. Engineer, read the eight bids for the Culvert replacing which would not close White Oak Drive:

<u>Ankiewicz Enterprises, Inc.</u>	<u>\$189,123.00</u>
<u>Anrich, Inc.</u>	<u>\$227,796.75</u>
<u>Charlies Nansteel Tree Excavation, LLC</u>	<u>\$319,319.04</u>
<u>DOLI Construction Corp</u>	<u>\$287,017.00</u>
<u>James T. O'Hara, Inc.</u>	<u>\$253,502.00</u>
<u>JS Wright</u>	<u>\$244,670.87</u>
<u>Northeast Site Contactors</u>	<u>\$314,517.00</u>
<u>Rutledge Excavating</u>	<u>\$564,269.56</u>

Bids - including opening of right-of-way for detour

<u>Ankiewicz Enterprises, Inc.</u>	<u>\$191,649.00</u>
<u>Anrich, Inc.</u>	<u>\$226,418.75</u>
<u>Charlies Nansteel Tree Excavation, LLC</u>	<u>\$280,925.34</u>
<u>DOLI Construction Corp</u>	<u>\$297,044.00</u>
<u>James T. O'Hara, Inc.</u>	<u>\$248,197.00</u>
<u>JS Wright</u>	<u>\$249,240.77</u>
<u>Northeast Site Contactors</u>	<u>\$302,447.00</u>
<u>Rutledge Excavating</u>	<u>\$364,319.56</u>

J. Tresslar, Twp. Engineer, explained there will be additional cost to the Township if the Board chooses to acquire the easements to open the roadway and paved or graveled and gate the roadway

Discussion followed on the importance to obtain the right-of-way for emergency services entrance and budgeting for 2019.

MINUTES:

G. Lastowski made a motion, seconded by R. Wielebinski, to approve the 11/05/2018 minutes of the Board of Commissioners Work Session. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, abstained; and J. Belvin, yes. Motion carried.

G. Lastowski made a motion, seconded by R. Wielebinski, to approve the 11/05/2018 minutes of the Board of Commissioners Regular Meeting. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

FINANCIAL TRANSACTIONS:Ratify Vouchers Payable

G. Lastowski made a motion, seconded by C. Kilby, to ratify vouchers payable received through 11/15/2018 in the amount of \$5,085.87. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Ratify Gross Payroll

G. Lastowski made a motion, seconded by J. Belvin, to ratify gross payroll for pay period ending 11/04/2018 in the amount of \$98,560.04. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

FINANCIAL TRANSACTIONS CONT:Vouchers Payable

G. Lastowski made a motion, seconded by R. Wielebinski, to approve vouchers payable received through 11/15/2018 in the amount of \$275,828.58. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Capital Expenditures

G. Lastowski made a motion, seconded by J. Belvin, to approve capital expenditures received through 11/15/2018 in the amount of \$73,259.39. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

People's Security as approved Township Depositories

G. Lastowski made a motion, seconded by C. Kilby, to add People's Security to the list of approved Township depositories. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

REPORT OF THE PRESIDENT

Penn Strategies - Grant Writing Services - G. Lastowski explained the Township has reached out to find grant writing services and found Penn Strategies. L. DeVito, Twp. Solicitor, noted the agreement can be terminated by either party with a 15 day notice.

G. Lastowski made a motion, seconded by C. Kilby, to enter into an agreement with Penn Strategies for grant writing services at a cost of \$2,500.00 per month for a period of 1 year. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried

G. Lastowski made a motion, seconded by J. Belvin, to close the Township offices at noon on 12/24/2018 - Christmas Eve. - G. Lastowski explained it is the way to thank the staff for their work and allow them time to spend with their families. He noted it did not apply to the Police and possibly the Public works road crew, if a storm is occurring. G. Lastowski opened the meeting to public comment. Ellen Gandt, Twp. Resident, questioned if the Police will receive something in lieu of the time off. G. Lastowski noted they will provide an alternative to those employees. Maxine Turbolski, Twp. Resident, suggested they close the office for the whole day. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried

COMMISSIONERS REPORT

Harold Werkheiser, Commissioner - Absent

Richard Wielebinski, Commissioner

2990 Route 611 - Inspection - R. Wielebinski noted nothing has been resolved with the property and it appears more damage has occurred. R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Township Zoning Officer to re-inspect the property at 2990 Route 611 for possible dangerous structure violations. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried

COMMISSIONERS REPORT CONT:

Chad Kilby, Commissioner - no report.

Jerrod Belvin, Commissioner -

Signal Services - J. Belvin explained after review, it was found that only Signal Services were costar approved for certain items only. J. Belvin made a motion, seconded by R. Wielebinski, to accept the quote from Signal Services, Inc. in the amount of \$5,224.00 to install the LED lights in all Pocono Township traffic signal lights asking the vendor not to replace any existing LED lights, thus reducing the cost. C. Kilby questioned the LEDs. J. Belvin explained quote includes any LEDs which may be needed to purchase. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried

Infrastructure resiliency plan/Winter Plan-Traffic Light Plan Bid - J. Belvin explained the items are required to be bid out.

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the Township to go out to bid for the necessary infrastructure resiliency plan/Winter Plan-Traffic Light Plan to outfit all Township traffic lights without generator connections, to outfit them with generator connections and install Backup systems on signal currently without Backup systems. J. Lastowski questioned if it is budgeted. D. Asure, Twp. Manager, noted it would fall under emergency management. D. Asure explained she will prepare the bid documents. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

UHF Radio - J. Belvin noted three times this year the cell towers went down and communications were lost. He contacted Monroe County Control Center to find a solution to bridge communications by obtaining the UHF license for the Public Works Department. Public Works currently use VHF. J. Belvin made a motion, seconded by R. Wielebinski, to approve Monroe County Control Center to proceed with filling out and obtaining the FFA license for UHF for Public Works Department. D. Asure, Twp. Manager, explained it will take approximately 6 months to obtain the license. She noted the MCCC will loan the Township three radios to use in the meantime. Discussion followed. Robert Sargent, Road Supervisor, suggested using digital radios. B. Harrison, St. Luke's, noted they are looking into digital. G. Lastowski requested the Twp. Manager to investigate all options. G. Lastowski opened the meeting to public comment. Hearing none. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

REPORTS :

Zoning Officer's Report - Michael Tripus, Zoning Officer, reported 16 zoning permits, 4 sign permits, 7 sewage permits and 1 citable violation for a malfunctioning sewer system. He noted the remaining violations were handled by phone.

EMERGENCY SERVICES REPORTS:

Police - Kent Werkheiser, Pocono Township Police Chief, reported 1100 incidents were investigated. J. Belvin requested the prior 2017 be placed on the report for comparison. G. Lastowski questioned seeing three Police vehicles at one traffic stop. K. Werkheiser explained if an officer feels threatened or if more than three passengers in a vehicle, the officer may request backup. K. Werkheiser shared a letter from a resident who thanked a Police Officer for assigning her during the recent storm. He noted there were several incidents where Officers assisted stranded residents. C. Kilby thanked the Officers for their professionalism and assistance during the storm.

K. Werkheiser explained the Officers are participating in a no-shave November and have raised over \$600.00 to give to a cancer patient in need.

R. Wielebinski questioned if the Department responded to every 911 call. K. Werkheiser explained the Department makes the effort to investigate all 911 calls.

EMS - Brad Harrison, St. Luke's Ambulance, reported a total of 96 calls with 73 transports.

Fire Company- Brad Harrison, Pocono Township Volunteer Fire Company, reported 47 calls for October with 9 mutual aids.

Park Board - Jen Fisher, Park and Recreation Board, reported a total of 233 pavilion rentals with 2/3 of pavilion rentals by credit card sales. She explained the Board is looking at marketing to the Twp. residents next year. C. Kilby noted with the new website a newsletter can be sent via email to residents. Discussion followed.

J. Fisher noted the ice rink is to be installed. R. Sargent, Road Supervisor explained fencing is being installed on Tuesday.

G. Lastowski thanked the Park Board for their work.

Public Works Report - Robert Sargent, Road Supervisor, reported on the recent storm, mailbox damage due to the snow, and break down of two trucks during the storm. He noted he will work with the new drivers to improve snow removal. C. Kilby questioned the truck repairs. B. Sargent explained wiper blades broke and the hydraulics were installed incorrectly on the new Mack Truck. Discussion followed.

R. Sargent explained one mailbox was hit by the truck and he is reaching out to the owner. G. Lastowski directed R. Sargent to work with the Twp. Manager to address the damaged mailbox.

ADMINISTRATION - MANAGER'S REPORT

Proposed 2019 Budget - First Reading - D. Asure, Twp. Manager, read the draft estimates for the General Fund - Total Funds Available - \$8,821,471.00, Estimated Expenditures - \$6,714,759.00, Projected Fund Balance - \$2,106,712.00; Capital Reserve - Projected Fund Balance - \$770,866.00; State Liquid Fuels - Projected Fund Balance - \$3,781.00; Sewer Operating Fund - Projected Fund Balance - \$1,915,740.00; and Sewer Construction Fund - Projected Fund Balance - \$2,281,787.00.

Real Estate Taxes for 2019 - 16.1 Mills per dollar of assessed valuation. G. Lastowski questioned the TIF accounts. Discussion followed on the addition of the estimated White Oak Drive easement acquisition.

Proposed 2019 Budget Authorization for Public Inspection - C. Kilby made a motion, seconded by R. Wielebinski, to authorize the Township Manager to make available for public inspection the proposed 2019 Pocono Township budget, as required by First-Class Township Code, as of Wednesday, 11/21/2018, both in hard copy to be available at the Township office and to post on the Township's website. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

G. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Township Manager to advertise the 2019 proposed budget as required by the First-Class Township Code, at least ten (10) days prior to date for tentative adoption, scheduled for 12/17/2018. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Phillips and Donovan Architects, LLC. Proposal - D. Asure, Twp. Manager, explained the proposal is for the former NCC building. R. Wielebinski made a motion, seconded by J. Belvin, to accept the proposal from Phillips and Donovan Architects, LLC in the amount of \$18,335.00 plus reimbursable expenses for a conceptual design, facility assessment and project budget for the former NCC campus. D. Asure, Twp. Manager explained a portion of the proposal included the quote of D'Huey. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Suburban Testing Labs - Water Testing - D. Asure, Twp. Manager, noted quote is less than the previous company. R. Wielebinski made a motion, seconded by C. Kilby, to approve the quote from Suburban Testing Labs at an annual cost of \$1,346.00 effective 12/01/2018 for water testing at Mt. View Park. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Kopelson (Lot 3) Time extension request - D. Asure, Twp. Manager, explained the request was recommended by the Planning Commission with a condition the applicant update the Planning Commission within 6 months of the previous extension. R. Swink, Chairman of Pocono Township Planning Commission, explained PennDOT decision for the realignment of 715 has been going on for eight years. Discussion followed. G. Lastowski made a motion, seconded by R. Wielebinski, to extend the Kopelson - Lot 3 - time extension request to 6-month from 12/31/2018 and authorize the Twp. Manager to send a letter to the developer's solicitor. G. Lastowski opened the meeting to public comment, hearing none. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

MANAGER'S REPORT CONT:

Letter of resignation from Alex Grum from the Park and Recreation Board, effective 12/31/2018 was received.

TOWNSHIP ENGINEER REPORT:

White Oak Culvert Bid Opening - J. Tresslar, Twp. Engineer, requested Penn Strategies be contacted for grant consideration. Discussion followed.

Fish Hill Road Storm System Notice of Violation from MCCD- J. Tresslar, Twp. Engineer, noted approval from MCCD was received on the proposed solution. R. Sargent, Road Supervisor, received the prints. D. Asure, Twp. Manager, requested a determination from R. Sargent by Wednesday 11/21/2018, if the Public Works Department can do the work. Discussion followed.

LSA Grant for right-hand turn lanes from Rt. 611 onto Rimrock and Bartonville Ave. - J. Tresslar, Twp. Engineer, explained the survey crew and traffic count analysis will be completed by next week. He expects the documents to be submitted to PennDOT by mid-December.

TLC Bridge Grant

J. Tresslar, Twp. Engineer, noted the grant documents were signed and returned to the state and he expects the bid to be out in the spring. R. Sargent, Road Supervisor, questioned if the bridge could be made wider. No action taken.

Culvert cleaning on Learn Road - J. Tresslar, Twp. Engineer, explained the work was finished this week and a final inspection will be done. He noted one buried pipe was found. R. Sargent, Road Supervisor, explained the pipe and culverts were buried and abandoned. R. Wielebinski questioned the drainage ditch between two structures. J. Tresslar noted to work in the drainage channels, a permit from DEP would be required.

TOWNSHIP SOLICITOR REPORT

Update on Exxon Monitoring wells - L. DeVito, Twp. Solicitor, noted DEP Letter dated 11/08/2018 was received that noted they were not required to test near the sewer line.

Fencing - VS - L. DeVito, Twp. Solicitor, reported the Stroud will not approve the ordinance as scheduled but they have agreed to allow the Township to apply for the fence permit.

PUBLIC COMMENT:

Ellen Gnant, Twp. Resident, thanked Jerrod Belvin for his work in emergency management planning.

Ellen Gnant, Twp. Resident, questioned if an agreement was made with NCC. G. Lastowski explained the building has been cleaned up but the Board is requesting the inspection to confirm the building is sound. Discussion followed.

Ellen Gnant, Twp. Resident, questioned the 1st reading of the general fund.

G. Lastowski wished everyone a safe and Happy Thanksgiving.

ADJOURNMENT:

G. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 9:05 p.m. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

Respectfully submitted
Pamela Tripus
Township Secretary