

POCONO TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

SEPTEMBER 17th, 2018 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on Monday, 09/17/2018, 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, absent; 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.; DonnaASURE, Township Manager; and Pamela Tripus, Township Secretary, were present.

PUBLIC COMMENT:

Attorney Ralph Matergia representing Pocono Manor Investors and Sunset Shooting range spoke concerning the impact of the Amusement Tax Ordinance to local businesses. He noted the businesses are participant, resort-based activities and not spectator type businesses where tickets are sold. He requested the Board reconsider the amusement tax on participant base businesses.

Anton Bonifacic, Sunset Shooting Range, noted his concern over the Amusement Ordinance and 5% tax. He requested the Board revisit the Ordinance.

ANNOUNCEMENTS:

- 1) Pocono Township Cleanup Days will be held September 27th, 28th, and 29th from 7:30 a.m. to 3:00 p.m.
- 2) An Executive Session was held on September 17th, 2018 for possible litigation and personnel
- 3) Pocono Township Community Day has been rescheduled until Saturday, October 20th, 2018 from 11:00 a.m. to 4:00 p.m.

HEARINGS:

Ordinance 2018-13 - Amending the Solid Waste

G. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained the Ordinance is to limit commercial waste haulers pick up times to 7:00 a.m. to 10:00 p.m. 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; and J. Belvin, yes. Motion carried.

G. Lastowski made a motion, seconded by J. Belvin, to adopt Ordinance 2018-13 to amend the code of ordinances of Pocono Township Chapter 245 Solid Waste, Article III, Municipal Waste. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Ordinance 2018-14 - Renaming Rt. 191 to Paradise Valley Road-

G. Lastowski opened the hearing. L. DeVito, Twp. Solicitor, explained it is to make the road name consistent. G. Lastowski opened the hearing to public comment, hearing none.

ORDINANCE 2018-4 CONT:

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

J. Belvin made a motion, seconded by R. Wielebinski, to adopt Ordinance 2018-14 providing for the renaming of a street known as Route 191 to Paradise Valley Road. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

PRESENTATION:

2017 Audit - Jeffrey S. Weiss, Zelenkofske Axelrod LLC, presented the 2017 audit. Discussion followed on the results, various funds, moving the accounting from modified accrual to a full accrual accounting, pension plans, and findings of the audit. D.ASURE, Twp. Manager, will investigate companies which inventory assets. Discussion followed on the cost to switch to full accrual accounting.

G. Lastowski made a motion, seconded by J. Belvin, to accept the 2017 Audit as presented by Zelenkofske Axelrod, LLC. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

MINUTES:

G. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 09/04/2018 Board of Commissioners' regular meeting. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

NEW BUSINESS:**PERSONNEL**

Return to Work Evaluation - Phil Starner - D.ASURE, Twp. Manager, explained a return to work evaluation. G. Lastowski noted it will be for all employees returning from extended leaves of absence.

R. Wielebinski made a motion, seconded by J. Belvin, to require a return to work evaluation for Phillip Starner and authorize the Township Manager to attempt to negotiate, if possible and necessary, reasonable accommodations pertaining to his return. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

FINANCIAL TRANSACTIONSRatify Vouchers Payable

G. Lastowski made a motion, seconded by R. Wielebinski, to ratify vouchers payable for the period ending 09/14/2018 in the amount of \$2,858.10. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Ratify Gross Payroll

G. Lastowski made a motion, seconded by R. Wielebinski, to ratify gross payroll for the pay period ending 09/09/2018 in the amount of \$108,094.53. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

FINANCIAL TRANSACTIONS CONT:Voucher Payable -

G. Lastowski made a motion, seconded by J. Belvin, to approve vouchers payable received through 09/14/2018 in the amount of \$136,562.52.

Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Capital Expenditures -

G. Lastowski made a motion, seconded by J. Belvin, to approve capital expenditures received through 09/14/2018 in the amount of \$210,714.85.

Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Liquid Fuels Expenditures -

G. Lastowski made a motion, seconded by R. Wielebinski, to approve Liquid Fuels Expenditures received through 09/14/2018 in the amount of

\$474,000.00. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Travel/Training Authorizations -PER304 Social Media Training

G. Lastowski made a motion, seconded by J. Belvin, to approve the travel of D. Asure, Twp. Manager to PER304 Social Media for Natural Disaster Responses and Recovery on 10/02/2018 at PEMA Headquarters, Harrisburg and pay expenses including mileage. J. Belvin requested D. Asure attend the full three-day course. Discussion followed. G. Lastowski amended his motion, seconded by J. Belvin, to approve travel of D. Asure, Twp.

Manager to PER304 - Social Media for Natural Disaster 10/02/2018, PER344 - Social Media Tools and Techniques 10/03/2018, and PER343 - Social Media Engagement Strategies 10/04/2018; and pay hotel, mileage, and travel expenses. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

REPORT OF THE PRESIDENT:

Gerald Lastowski, President -

Amusement Tax Discussion - G. Lastowski explained he received a call from a business owner concerning the Amusement Tax. He suggested reaching out to resorts to discuss the Ordinance. No action taken.

Blasting Ordinance - G. Lastowski explained recent issues with a blasting company who failed to notify residents in a timely manner. G. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Twp. Solicitor to investigate blasting ordinances and present the findings to the Board. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Scotrun Estates Sign - J. Tresslar, Twp. Engineer, explained the sign was located in PennDOT's right-of-way and according to PennDOT they cut down the sign and offered Scotrun Estates Association payment. Discussion followed on who was the party PennDOT discussed the sign with.

REPORT OF THE PRESIDENT CONT:

Kresge NOV request for additional Time - G. Lastowski noted the Board had concurred to direct the Zoning Officer to follow the ordinance. No action taken.

COMMISSIONERS COMMENTS:

Robert DeYoung, Vice President, absent.

Harold Werkheiser, Commissioner, absent.

Rich Wielebinski, Commissioner

3481 Route 611 -

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the zoning officer to file a Notice of Violation against the owner of record of 3481 Route 611, Bartonsville, based on the findings of the inspection completed. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Jerrod Belvin, Commissioner

3305 Rt. 611, Bartonsville -

J. Belvin made a motion, seconded by G. Lastowski, to authorize the Twp. Zoning Officer to investigate 3305 611 Bartonsville as per the dangerous structure Ordinance. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

1563 Sullivan Trail - J. Belvin noted it was discussed to continue the investigation of the property.

Personnel and Management Policies -

J. Belvin made a motion, seconded by G. Lastowski, to authorize the Twp. Manager to work with the Chief of Police and Solicitor to draft new personnel and management policies. J. Belvin noted after attending recent police liability class and after reviewing the Police SOP's there are items that were not included. Discussion followed. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

4550 Buck Valley Drive -

J. Belvin explained the Zoning Officer is continuing to pursue the violations.

REPORTS:

Zoning Officer - Michael Tripus, Zoning Officer, explained 43 permits were issued in the month of August. G. Lastowski questioned the signs appearing on telephone poles, etc. M. Tripus, ZO, explained he tried locating the sign owners by phone numbers but was unsuccessful. He requested direction from the Board for removal of signs on poles. The Board concurred they were in favor of removal of the illegally posted signs.

J. Belvin question if any violation notices were issued for A-Frame signs in August. M. Tripus noted 2 NOV's were sent for 3414 Rte. 611, Bartonsville, and 2857 Rte. 611, Tannersville.

REPORTS CONT:

Emergency Services:

Police - Kent Werkheiser, Pocono Township Police Chief, noted 1178 incidents investigated. K. Werkheiser noted the LPRs (License Plate Readers) are working and recently assisted in locating a stolen vehicle. J. Belvin commented on the total of incidents. Discussion followed.

EMS - Brad Harrison, St. Luke's Ambulance, reported 102 EMS calls.

Pocono Township Volunteer Fire Company - Brad Harrison, Pocono Township Volunteer Fire Chief, reported 45 fire calls. He explained a natural gas waste hauler leaked natural gas this morning. Several Emergency services responded and closed off Rt. 611 and Warner Road during the incident. B. Harrison noted he contacted UGI for guidance during the incident. K. Werkheiser noted the emergency services did a great job with traffic flow during the incident. The Board thanked all services involved in incident for the excellent response.

B. Harrison questioned fire suppression for fireworks. L. DeVito, Twp. Solicitor, explained it would be a requirement for fireworks stores and the storage of fireworks.

Finance Committee - No report.

Parks & Recreation - D. Asure, Twp. Manager, explained the Park revenues are up this year and they are working on their proposed budget items for next year. The Park requested a meeting on site to discuss a future project. G. Lastowski directed the Twp. Manager to meet with the Park Board on site to discuss their future projects.

Public Works Report - Robert Sargant, Road Supervisor, request the Board's permission to sell various items on Municibid. Discussion followed on the sale of an old safe.

G. Lastowski asked for an update of the new road crew employees. R. Sargant explained the new hires are working with the crew and have been able to get more work done.

R. Sargant explained the road crew is working on Back Mt. Road placing pipes and will move to Dyson Road and Lower side of Summit Road. Tree trimming is on-going on Back Mt. road. He noted the generators for traffic signals have been inspected and a charging system is in place. J. Belvin noted it was part of the winter emergency planning.

R. Sargant noted they are cleaning culvert boxes. R. Wielebinski questioned if Public Works is able to clean the culverts on Learn Rd. R. Sargant noted some of the culverts can be cleaned by Public Works but the deeper boxes may require additional equipment. Discussion followed on a preventative maintenance schedule and run off from Archer Way. J.

Tresslar, Twp. Engineer, noted they had a pre-bid meeting for the cleaning of culverts on Learn Road. D. Asure, Twp. Manager, asked if the Public Works department can do the repairs to Fish Hill Road. Discussion followed.

Sale of Items on Municibid

G. Lastowski made a motion, seconded by J. Belvin, to authorize the sale of 2 used 50" mower heads, 1 used Devil Concrete BLK Top Saw, and 1 used Skag Zero Turn mower on Municibid. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Administration - Manager's Report

1997 GMC Top Kick -

R. Wielebinski made a motion, seconded by J. Belvin, to approve the sale of the 1997 GMC Top Kick VIN: 1GDM7H1J7VJ520003 to Kevin Logue for \$4,901.00 as the highest bid received on Municibid. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

2003 Peterbilt Single Axle Dump Truck -

J. Belvin made a motion, seconded by R. Wielebinski, to approve the sale of the 2003 Peterbilt Single Axle Dump Truck VIN:2NPNLZ0X93M595509 to George Granberg for \$27,600.00 as the highest bid received on Municibid. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

2014 Ford Explorer -

R. Wielebinski made a motion, seconded by J. Belvin, to authorize the sale of the 2014 Ford Explorer - VIN: 1FM5K8AR1EGB80076 on Municibid. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Spirit of Swiftwater Letter of Credit -

G. Lastowski made a motion, seconded by R. Wielebinski, to authorize the release of the Letter of Credit held for the Spirit of Swiftwater, Phase 1 Apartments. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

2019 Mack Single Axle Truck - D. Asure, Twp. Manager, explained the truck is almost ready to deliver.

G. Lastowski made a motion, seconded by R. Wielebinski, to authorize the Township Manager to sign the documents required to take receipt of the 2019 Mack Single Axle Truck. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Human Resource Training at PSATS - 09/13/2018 - D. Asure, Twp. Manager, gave an update of the recent training and the need to update the employee policies. G. Lastowski suggested contacting PSATS for information.

Weiler Donation - D. Asure, Twp. Manager, noted a \$1,000.00 donation was received from Weiler Charity Foundation for the Park and Recreation.

TWP. MANAGER'S REPORT CONT:

HRA Monthly Administrative Renewal - D. Asure, Twp. Manager, explained the renewal.

R. Wielebinski made a motion, seconded by G. Lastowski, to authorize the Township Manager to sign the Spending Account Renewal with Highmark for HRA monthly administrative fee of \$5.35 per covered employee per month.

G. Lastowski open the meeting to comment, hearing none.

Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

D. Asure, Twp. Manager, noted the Foreign Fire Insurance is down approximately \$10,000.00 from last year. Discussion followed. G. Lastowski suggested the Twp. Manager reach out to State Senator's Scavello's office for more information.

Township Engineer's Report

White Oak Culvert - J. Tresslar, Twp. Engineer, discussed bidding of the project this year. The bid will go out in mid-October with an award in November and spring start date.

Fish Hill Road Storm System (NOV) - J. Tresslar, Twp. Engineer, working with MCCD for approval.

LSA Grant for right hand turn lanes from Rt. 611 onto Rimrock Road and Bartonsville Ave. -J. Tresslar, Twp. Engineer, explained the resolution is required for the submittal.

TLC Bridge Grant - J. Tresslar, Twp. Engineer, noted they are waiting on response.

Culverts on Learn Road - J. Tresslar, Twp. Engineer, explained bids will be opened on 09/27/2018.

Green Light Go - J. Tresslar, Twp. Engineer, explained they received notification from PennDOT for the second Green Light Go grant and that PennDOT will do the design. He noted previously it was discussed to work with Smithfield, Middle Smithfield and Stroud. Discussion followed.

Township Solicitor's Report

Exxon Monitoring Wells Agreement - No report.

Kollar Final Minor Subdivision - L. DeVito, Twp. Solicitor, explained the Letter of Credit. J. Tresslar, Twp. Engineer, noted it was for Storm improvements for a private road which was not installed. Discussion followed.

G. Lastowski made a motion, seconded by J. Belvin, to authorize the Township Manager to draw upon the letter of credit issued for the Kollar Final Minor Subdivision in the amount of \$5,550.27 for failure to complete the required improvements under the developer's agreement. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Commissioner's Compensation - L. DeVito, Twp. Solicitor, explained at the Board's request he drafted an Ordinance for Commissioner's Compensation.

RESOLUTIONS

Resolution 2018-53 - LSA Grant- D.ASURE, Twp. Manager, explained it is part of the LSA Grant submittal and she is currently obtaining letters of Support. J. Tresslar, Twp. Engineer, noted State Senator Scavello offered a meeting with PennDOT to discuss the scope of the project. G. Lastowski directed J. Tresslar to reach out to State Senator Scavello's office. R. Wielebinski made a motion, seconded by J. Belvin, to adopt Resolution 2018-53 and to authorizing the submittal of an LSA Grant Application for roadway improvements at the intersections of Route 611 and Rimrock Road and Bartonsville Ave. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

PUBLIC COMMENT:

Michael Tripus commented on an upcoming magistrate hearing. Discussion followed.

ADJOURNMENT:

G. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 9:00 p.m. Roll call vote: R. Wielebinski, yes; G. Lastowski, yes; and J. Belvin, yes. Motion carried.

Respectfully submitted
Pamela Tripus
Township Secretary