

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**REGULAR MEETING**

**SEPTEMBER 2<sup>nd</sup>, 2014 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on 09/2/2014, 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; Greg Hill, present; and Brad Wise, present.  
Tom Felver was absent.

Leo V. DeVito, Broughal & DeVito LLP, Twp. Solicitor; Mark Ambrose, T&M Associates, Twp. Engineer; Gregg Schuster, Twp. Manager; and Regina Zuvich, Treasurer, were present.

**ANNOUNCEMENTS:**

- Fall Clean up Days - September 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup>, 7:30a.m. to 3:00p.m.
- R. Wielebinski, T. Felver, and J. Lastowski, attended an Open House at Northampton Community College. R. Wielebinski noted the benefits NCC has brought to the area youths and adults in the community.

**MINUTES**

J. Lastowski made a motion, seconded by B. Wise, to approve the Commissioners regular meeting minutes of August 18, 2014. Roll call vote: G. Hill, abstained; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

**BILLS AND TRANSFERS**

G. Hill made a motion, seconded by J. Lastowski, to approve the Check Listing, dated September 2, 2014 (excepting all tele-communication bills). Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

J. Lastowski made a motion, seconded by G. Hill, to approve the Check Listing, dated September 2, 2014 (tele-communication bills). Roll call vote: G. Hill, yes; R. Wielebinski, abstained; J. Lastowski, yes; and B. Wise, yes. Motion carried.

**AMENDMENTS TO THE AGENDA:**

- 1) Kopelson Conditional Use moved to the 09/15/2014 agenda.

**PUBLIC COMMENTS:**

Marie Guidry, Twp. resident, requested the Commissioners consider a noise ordinance. Discussion followed as to the process and enforcement of a noise issue.

Judy Martinell, Maxine Turbolski and Judy Coover, Twp. resident, questioned the status of the Trap Enterprise's digital sign in Scotrun.

L. DeVito, Twp. Solicitor, noted Zoning Officer, Mike Tripus's success in bringing businesses into compliance and citing violators with illegal signage in the Township.

### COMMISSIONERS COMMENTS

Jerry Lastowski, Vice President, congratulated Mt. View Park board on their excellent work for the Grand Opening of Crossing Abilities Playground. He noted it was a joy to see children with needs being able to use the playground and recommended all residents to stop by and take a look at the improvements to Mt. View Park.

He noted the business that was to be charged by PennDOT for roadway improvements has agreed to pay the fee and proceed with the project for the proposed site.

Gregory Hill, Commissioner, no report.

Bradley Wise, Commissioner, summarized Sewer Committee goals and recent projects:

a. Goals:

- Finishing of the Sewer Construction project.
- Closing out Sewer Construction Contracts. B. Wise thanked Mark Ambrose, Twp. Engineer for his work organizing the sewer documents and plans.
- Getting people connected so the bills can be paid.

b. PennDOT 611 Safety Improvement impacts on sewer system between Shine Hill Road and Rt. 134 East. Contract issued to proceed with design and construction oversight. Work will proceed in 2015.

c. PennDOT I-80/Rt. 611 Improvements, including the realignment of the sewer lines in the area of improvements; planned improvements to Rt. 611, including the taking of the TLC ball fields to make Rt. 715 five lanes and for a possible drainage basin; the realignment of Rt. 715 and Rt. 611 on the Kopelson property; turning lanes for a proposed fast food restaurant; and the widening of the Rt. 715 and Rt. 611 junction. PennDOT will bid this project in February 2017.

Discussion followed on the impact the proposed improvements will have on the Grace United Church of Christ and Citizen's Bank.

Peter Nish, Twp. resident spoke concerning the difficulties of pulling out onto Rt. 611 from Scotrun Avenue.

Jane Cilurso, Twp. resident, questioned if PennDOT would hold public meetings concerning the improvements.

Dennis Purcell, Twp. resident, asked the status of Camelback Road bridge. B. Wise noted he requested information from PennDOT concerning the proposed work.

### REPORTS

#### Emergency Services

Pocono Township Police Chief Kent Werkheiser -

- a. Request for increase of part time staffing to 20 hours per week. K. Werkheiser explained a recently retired officer had been used as a fill-in for the Police secretary when she is out on vacation and sick time. He would like to expand his hours to include weekends as there

**CHIEF WERKHEISER'S REQUEST CONT:**

is a need for a person to answer phone calls, input traffic/non-traffic citations in the computer, send accident reports to PENNDOT, dispatch patrolmen to calls for assistance, etc. The additional hours will free up on-duty officer's time allowing for more police coverage on the weekends. Discussion followed concerning the amount of allowable hours to maintain the position as non-union.

Diane Zwiefel and Judy Coover, Twp. residents, questioned if the position would be advertised. K. Werkheiser noted the request was to increase hours of a present part-time employee. The Board concurred to allow a six (6) week trial period. R. Wielebinski made a motion, seconded by J. Lastowski, to approve Pocono Township Police Chief Kent Werkheiser's request to hire Bob Miller 20 hours per week with additional hours as needed, part-time position, at the rate of \$15.00 per hour with no benefits for a six (6) week trial period. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Pocono Township Volunteer Fire Co. Chief Mike Shay. No report.

Central Pocono Ambulance Association, Inc., Manager Linda Smith. No report.

**Administration**

Township Manager Gregg Schuster presented his report to the Commissioners.

- a) Policy on drainage complaints - G. Schuster presented a drainage questionnaire and requested the board consider policy for drainage issues. Discussion followed. The Board concurred to complete the questionnaire and return it to G. Schuster for tabulation.
- b) Employee handbook - G. Schuster noted the Election Day holiday will be changed to a floating holiday for non-union employees and drug testing for three non-union employees will be handled as a "Treat the Action" if an employee shows signs of unfit for duty.

Township Engineer Mark Ambrose presented the Engineering report to the board.

- a) Stadden Road Bridge - Justin Coyle, T&M Associates reviewed the options for the Board of Commissioners' consideration in fixing the Stadden Road Bridge. Estimated cost for the emergency scour repair is \$100,000.00 with full replacement of the bridge to be \$500,000.00 to \$700,000.00. Discussion followed. R. Wielebinski made a motion, seconded by J. Lastowski, to authorize the Twp. Engineer to proceed with the work to stabilize the Stadden Road Bridge as set forth in T&M Proposal of 08/05/2014 for a fee of \$32,000.00, and re-bid the project for emergency repair of the scour; and to proceed with obtaining funding for a complete replacement of the bridge. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

- b) Learn Road - M. Ambrose, Twp. Engineer, discussed the T&M Associates memo of 08/15/2014 with options for fixing the Archer Lane Drainage Issue. G. Schuster, Twp. Manager noted funding was available for the project. B. Wise made a motion, seconded by R. Wielebinski, to approve the repair of Learn Road Drainage as per T&M Associates' Memo of 08/15/2014, Alternate No. 2 - 30" RCP(Class IV) storm sewer system, estimated cost of \$46,290.00. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.
- c) Northridge Escrow Reduction - R. Wielebinski made a motion, seconded by B. Wise, to approve the Northridge at Camelback, Bond Release #7, in the amount of \$232,166.32 as recommended in T&M Associate's letter of 08/29/2014. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Township Solicitor Leo DeVito -

- a) The closing for the Wayne Bank \$3.9 million refinancing is scheduled for 09/04/2014. The 1.5 million held by Landmark Bank will be transferred to an interest bearing account with ESSA Bank.
- b) Doli Construction Contract No. 10, closeout documents have been received. RKR Hess Engineering requested the Contractor, Doli Construction, to extend the maintenance bond for 90-days. B. Wise made a motion, seconded by J. Lastowski to approve the 90-day Maintenance Bond Extension for Doli Construction, Contract No. 10 for an area near the Rt. 611 Bridge replacement over Pocono Creek in Bartonsville. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

## PRESENTATIONS

### ORDINANCES

Ordinance 2014-09 approving the amended HJP Park Inter-municipal agreement which includes the Pocono Mountain School District - L. DeVito, Twp. Solicitor, noted the Ordinance has been posted and advertised. R. Wielebinski opened the hearing for public comment, hearing none he closed the hearing. G. Hill questioned if the approval would extend the agreement beyond 2015.

B. Wise made a motion, seconded by J. Lastowski, to adopt Ordinance 2014-09 approving the amended HJP Park Inter-municipal agreement which includes the Pocono Mountain School District. Roll call vote: G. Hill, no; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Ordinance 2014-10 establishing a Recreation Committee - L. DeVito, Twp. Solicitor, noted the Ordinance has been posted and advertised. R. Wielebinski opened the hearing for public comment, hearing none he closed the hearing.

R. Wielebinski made a motion, seconded by G. Hill, to adopt Ordinance 2014-10 establishing a Recreation Committee. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Consideration of a revision to the ordinance allowing burning of leaf and other waste - G. Schuster explained the need for the Township to comply with the requirement to ban the burning of leaves. He will contact The Waste Authority and DEP for their review to confirm the ordinance is in compliance with Grant requirements. L. DeVito, Twp. Solicitor, noted the recycling and burning ordinances will be required to be revised.

L. DeVito, Twp. Solicitor, recommended the Board of Commissioner authorize the Township Manager and Township Solicitor, to contact Monroe County Planning Commission to confirm the proposed Ordinance is in compliance. A special meeting can be held before the deadline of September 30<sup>th</sup>, 2014. Judy Coover, Twp. resident, question which grant funding the Township was applying for. G. Schuster noted both the 902 and 904 grants would be considered.

#### **RESOLUTIONS**

Resolution 2014-44 - to appoint Lew Ginsberg as alternate to the Zoning Hearing Board. G. Hill questioned the commencement date of the Resolutions for appointments and suggested they be reworded to state the remainder of terms. R. Wielebinski made a motion, seconded by J. Lastowski, to approve Resolution 2014-44 appointing Lew Ginsberg as alternate to the Zoning Hearing Board, with wordage to state "NOW, THEREFORE, BE IT ADOPTED AND RESOLVED that Lew Ginsberg is appointed as an alternate member to the Pocono Township Zoning Hearing Board on September 2<sup>nd</sup>, 2014 for the remainder of the three (3) year term, that commenced on January 1, 2014 and terminates on December 31, 2016" Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution 2014-45 - Council of Governments Representative - R. Wielebinski made a motion, seconded by B. Wise, to approve Resolution 2014-45 appointing J. Lastowski as representative to the Council of Governments (COG) with wordage to state "NOW, THEREFORE, BE IT ADOPTED AND RESOLVED that Gerald Lastowski is appointed as the representative to Council of Government (COG) on September 2<sup>nd</sup>, 2014 for the remainder of the one (1) year term, which commenced on January 1<sup>st</sup>, 2014 and terminates on December 31, 2014." Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution 2014-46 - Board of Commissioner's Finance Committee (2) - J. Lastowski made a motion, seconded by B. Wise, to approve Resolution 2014-46 appointing R. Wielebinski and T. Felver to the Board of Commissioner's Finance Committee with wordage to state "NOW, THEREFORE, BE IT ADOPTED AND RESOLVED that Richard Wielebinski and Thomas Felver are appointed as members of the Board of Commissioners of Pocono Township Finance Committee on August 18<sup>th</sup>, 2014 for the remainder of one (1) year terms, that commenced on January 1<sup>st</sup>, 2014 and terminates on December 31, 2014". Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution 2014-47 - approving the proposal from Beyer-Barber to conduct an OPEB valuation - G. Schuster, Twp. Manager, explained GASB 45 Liability Disclosure Valuation requires Townships to have OPEB valuations for postemployment Benefits. This will be the first time the Township has complied with the GASB 45 requirement. R. Wielebinski made a motion, seconded by J. Lastowski, to approve Resolution 2014-47 approving the proposal of Beyer-Barber to conduct an OPEB valuation for \$3,500.00. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution 2014-48 - approving the proposal from McCann for police applicant examination services - J. Lastowski made a motion, seconded by G. Hill, to approve Resolution 2014-48 approving the proposal from McCann for police applicant examination services. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution 2014-49 - approving the position of Public Works Director - Discussion followed. R. Wielebinski and B. Wise commented on the need for a professional Public Works Director with a strong background in sewer maintenance, oversight of road department, facilities, and parks. J. Lastowski questioned if the position would require a tax increase. Judy Coover and Diane Zwiefel, Twp. residents, questioned the salary proposed for the position and if the work could be handled by the present manager. J. Lastowski thanked Ed Getz for his work as foreman for the Public Works Department but agreed a Public Works Director would need to be skilled in sewer, facility, and parks. G. Schuster noted the Township will take time to find the right person to fit the position. Judy Coover and Marie Guidry, Twp. residents, questioned the job description. G. Schuster noted he is creating a template for job descriptions to be used as a hiring tool. Harold Ernsberger, HJP Park Director, noted HJP can assume the park director duties for Pocono Township as part of their agreement. J. Lastowski made a motion, seconded by R. Wielebinski, to approve Resolution 2014-49 approving the position of a Public Works Director. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution 2014-50 - authorizing the issuance of mandatory connection notices for those phase 1 residents and businesses south of the "hump" in the sewer system. R. Wielebinski made a motion, seconded by J. Lastowski, to approve Resolution 2014-50 authorizing the issuance of mandatory connection notices for those phase 1 residents and businesses south of the "hump" in the sewer system. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

**PUBLIC COMMENT:** Jake Singer, Twp. resident, questioned if the Boy Scout sign will be replaced on the Trapasso lot. J. Lastowski will look into the matter.

ADJOURNMENT INTO EXECUTIVE SESSION: R. Wielebinski made a motion, seconded by B. Wise, to adjourn the meeting into Executive Session to discuss an enforcement issue at 10:35 p.m., until the next regular meeting at 09/15/2014 at 7:00p.m. at the Pocono Township Municipal Building. Roll call vote: G. Hill, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Respectfully submitted  
Pamela Finkbeiner  
Secretary