

POCONO TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 8th, 2015 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on 09/08/2015 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; and Gina Zuvich, Twp. Treasurer were present.

ANNOUNCEMENTS:

The Township is seeking volunteers to serve on the Building Board of Appeals. Please contact the Township Manager if you are interested.

MINUTES:

B. Wise made a motion, seconded by J. Lastowski, to approve the Commissioners regular meeting minutes of 08/17/2015. Roll call vote: T. Felver, abstain; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

BILLS AND TRANSFERS:

T. Felver questioned if the design review cost of the sewer system included a guarantee that the recommended repairs will work. Discussion followed on the status of the work.

B. Wise made a motion, seconded by T. Felver, to approve Check Listing, dated 09/08/2015. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

AMENDMENTS TO AGENDA: none

PUBLIC COMMENT:

Nadine Matese, Henryville, requested the Township take over 1 mile of roadway in the Castle Hill Estates development. She noted the residents are prepared to make the repairs and place money in an escrow account for engineering. J. Lastowski suggested she contact the Township Manager to assist in the requirements needed to dedicate the roadways to the Township.

REPORT OF THE PRESIDENT:

Rich Wielebinski, President, acknowledge the Pocono Township Police Department on their quick action taken care of the burglary on Sunday.

REPORT OF THE COMMISSIONERS:

Jerry Lastowski, Vice President, noted:

- a) Recreation Committee is working on a Cloud based computer project for pavilion rentals. They will come to the October 5th meeting to do a presentation of the software.

- b) The Sewer Committee along with the Township administration has been meeting with Kalahari every week due to the extra flows and debris in the system.
- c) Fundraiser dinner on August 25th - He expressed pride in the community and emergency services for their support to help a fire company member battling cancer.
- d) HJP Park Meeting - He was unable to attend the meeting. The 2016 budget for HJP included Pocono Township's cost for a shared park director. L. DeVito will investigate if Pocono Township is responsible for the cost of a shared Park Director in 2016 since Pocono has withdrawn from HJP.

Tom Felver, Commissioner, requested the Board reconsider the motion to draft a letter concerning PennDOT's proposed Rt. 715 realignment through the war memorial on the TLC site.

Peter Nish, Commissioner, no comment.

Brad Wise, Commissioner, noted after October 1st, DEP will not allowed work to be conducted in streams with reproducing Trout populations, the Swiftwater Creek repairs will be completed before that date. B. Wise noted he received a notice that the Swiftwater Creek will be reclassified as an exceptional value stream which will have stricter standards. Wilkie Road and Stadden Road Bridge projects will be completed soon.

BRCA had reached a settlement for the aeration problems in the WWTP at an estimated \$38,000 a year for 4 years as Pocono Township's share of the cost. It will need to be placed in the future budgets.

ADMINISTRATION:

Pocono Township Manager Gregg Schuster was absent.

- a) Thierry sewer reimbursement - L. DeVito, Twp. Solicitor, explained Mr. Thierry has submitted documentation requesting reimbursement for his difficulty in connecting to the sewer collection system. The problem was due to a lateral 'stub' not provided to his property. Mr. Thierry is seeking a total reimbursement of \$8,733 for the additional cost. RKR Hess has agreed to contribute \$3,733.00 to settle the matter.
J. Lastowski made a motion, seconded by B. Wise, to reimburse Andrew Thierry in the amount of \$5,000.00 as recommended by the Pocono Township Sewer Committee. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.
- b) 403 Manor Drive Structure Report - L. DeVito, Twp. Solicitor, reported Building Inspection Underwriters conducted a site inspection noting deficiencies as directed by the Board of Commissioners. A letter to the owner was generated on 09/01/2015 by Zoning Officer Carl Fregoni stating the deficiencies. T. Felver noted the owners

403 MANOR DRIVE STRUCTURE CONT:

placed for sale signs on the property. L. DeVito noted if the property is sold, the new owners will be responsible. R. Wielebinski made a motion, seconded by J. Lastowski, to authorize the Township Solicitor to send a written notice by certified mail to the Property Owner Mary Rossi to correct the deficiencies to make the structure livable within 15 days, with completion in 60 days or the Township will take action to demolish the structure. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

B. Wise requested the Board consider pursuing the other dilapidated properties.

c) Police Pension RFP recommendation - T. Felver noted RFP for Police Pension advisory firms and 17 RFP's were received and reviewed by the Finance Committee. The Finance Committee recommended PFM as the advisory firm with the custodian to be U.S. Bank. Discussion followed. L. DeVito, Twp. Solicitor, recommended the U.S. Bank contract should be reviewed by Jens Damgaard, Esquire. T. Felver made a motion, seconded by P. Nish, to retain PFM as the financial firm for the Police Pension at a rate of .73% - approximately \$32,000.00 per year with a favorable review by the Twp. Solicitor; and U.S. Bank as custodian for the funds conditioned upon the U.S. Bank's contract to be reviewed favorably by the fund Solicitor, Jens Damgaard, Esquire. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

d) Ambulance RFP Review Process - L. DeVito explained the Township Manager had solicited RFPs for Ambulance services. G. Schuster's memo of 09/04/2015 recommended a subcommittee to review the RFPs and make a recommendation to the Board. Discussion followed. The Board concurred to hold a special meeting to interview the 5 Ambulance services who submitted RFMs. R. Wielebinski a motion, seconded by J. Lastowski to set up an special meeting at 5:00 p.m., for the interviewing of the Ambulance Companies in the near future. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

B. Wise requested copies of the RFMs for the Ambulance Services.

Township Engineer Tim Edinger noted Comeback has submitted three LDPs - one for a Lot combination, the Snow Tubing lodge and a helipad. Overlay district site visit to Freemanburg Ave., Bethlehem, for the Planning Commission members will be held on September 24th, 2015 at 10:00 a.m.

TWP. ENGINEER CONT:

- a) Hein Drainage report - 6326 Mountainview Drive, Tannersville, PA. T&M Associates Memo of 08/17/2015 recommended a course of action to repair the drainage issues. R. Wielebinski noted he visited the site with Jeffry Clapper, Public Works Director, and Mr. Hein. Mr. Hein agreed to assist with the repairs as recommended by J. Clapper and to contribute \$750.00 for 50' of culvert pipe and stone. The neighboring property owner has offered \$200.00 for 35' of culvert pipe. J. Clapper noted it is the Township's responsibility to clean out the swales, remove any boulders, and put a crown in. B. Wise questioned if the repairs would create problems for the properties below. J. Clapper confirmed all work will be in the road right-of-way. L. DeVito noted all work will be done within the road right-of-way. R. Wielebinski made a motion, seconded by J. Lastowski correct the drainage issues at the Hein property as discussed. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.
- b) Payment Request No. 18 - PACT Construction Contract No. 11 - Final payment request in the amount of \$110,070.95. L. DeVito noted this is a partial payment for the close out of the contract. J. Lastowski made a motion seconded by B. Wise, to authorize Payment No. 18, Contract 11, PACT Construction, in the amount of \$110,070.95. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Township Solicitor Leo DeVito -

PJJWA MOU for Transfer of Assets and Water Service District - L. DeVito noted a MOU was drafted. The attorney for BCRA made a change to the draft MOU - pg. 7 2.(h) - cleanup and monitoring the Butz Landfill Superfund site. L. DeVito noted he requested it be tabled until he can clarify the change. Discussion followed concerning Pocono Township responsibility. No action taken.

- c) Lori Grossi Settlement - L. DeVito reviewed the history of the Lori Grossi property on Camelback Road and the stipulation of Counsel to settle and dismiss the appeal for Lori A. Grossi vs. Pocono Township Board of Commissioners. Discussion followed as to who will monitor the drainage improvements to the property. L. DeVito noted the structure was moved back from the streambank and the size of the building was reduced. P. Nish made a motion, seconded by R. Wielebinski, to accept the Lori Grossi settlement for property (PIN 12636503425364) located on Camelback Road, Tannersville, PA. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

d) Agreement between Pocono Township and TL Realty Corp and Thomas Lovito (Pocono Farm Stand) L. DeVito explained the agreement is to allow Pocono Township to construct and install a sanity sewer main on a portion of the Lovito (Pocono Farmstand) property - PIN: 12637204538566. He noted he met with Mr. Lovito and Mark Ambrose, Twp. engineer, to discuss the easement and work needed for the hump repair. An amount of \$20,000 was requested to cover the \$16,700 in legal fees incurred with the previous board and an additional \$2,000 for the easement. The Twp. Manager recommended a flat amount of \$20,000.00 to settle.

P. Nish made a motion, seconded by J. Lastowski, to approve the agreement between Pocono Township and TL Realty Corp and Thomas Lovito (Pocono Farm Stand) and to authorize payment for such easement in the amount of \$20,000.00 contingent upon Mr. Lovito signing the agreement. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

RESOLUTIONS:

Resolution 2015-59 - appointing Jen Fisher to the Recreation Committee
R. Wielebinski made a motion, seconded by P. Nish, to appoint Jen Fisher to the Recreation Committee for a five year term expiring on 12/31/2018.
Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

Resolution 2015-60 - Fee Schedule - L. DeVito noted the changes, including the additions to the escrow fees for Land Development Plans. T. Felver felt some increases were excessive. L. DeVito noted the fees were in line with cost incurred with Land Development. R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2015-60 - Fee Schedule. Roll call vote: T. Felver, no; P. Nish, yes; R. Wielebinski, yes; J. Lastowski, yes; and B. Wise, yes. Motion carried.

PUBLIC COMMENT:

T. Felver spoke concerning the War Memorial at the TLC site. He noted he has received calls from residents concerning the preservation of the War Memorial. R. Wielebinski noted the Township is waiting for PennDOT to reveal their proposed realignment of Rt. 715 before making any decisions. P. Nish noted the memorial is 96 years old. J. Lastowski noted PennDOT only has two options for the realignment of Rt. 715 and until their plans are revealed, he did not feel a letter should be sent. Discussion followed.

T. Felver made a motion, seconded by P. Nish, to authorize the Township to write a letter to PennDOT showing support for not relocating Rt. 715 to the Tannersville Learning Center site which would require removal of the War Memorial. Roll call vote: T. Felver, yes; P. Nish, yes; R. Wielebinski, no; J. Lastowski, yes; and B. Wise, no. Motion carried.

Maxine Turbolski, Twp. resident, questioned when the new zoning officer will start. R. Wielebinski note Rick Fisher is from Bangor and has started part-time at present. He should be fulltime by October.

Maxine Turbolski, Twp. resident, questioned why the Board of Commissioners is pursuing RFP's for Ambulance Services. J. Lastowski noted concerns were raised when Pocono Ambulance Services used grant money to cover costs. The Board concurred to investigate other services to assure Twp. residents will have continuing coverage.

Jane Cilurso, Twp. resident, questions concerning the zoning officers hours, hump repair, and Rt.314 closing. T. Felver noted Rt. 314 is schedule to open September 25th, 2015.

ADJOURNMENT:

R. Wielebinski made a motion, seconded by P. Nish, to adjourn the meeting at 8:52 p.m. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; P. Nish, yes; and B. Wise, yes. Motion carried. Motion carried.

Respectfully submitted
Pamela Finkbeiner
Recording Secretary