REGULAR MEETING
MINUTES
February 18, 2020 7:00 P.M.

The regular meeting of the Pocono Township Commissioners was held on Monday, February 18, 2020 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Rich Wielebinski at 7:10 p.m., followed by the Pledge of Allegiance.

ROLL CALL: Jerrod Belvin, present; Ellen Gnandt, present; Jerry Lastowski, present; Keith Meeker, Present; Rich Wielebinski, present.

IN ATTENDANCE:
Leo DeVito, Twp. Solicitor, Broughal & DeVito; Jon Tresslar, Twp. Engineer, Boucher & James, Inc.; Donna M. Asure, Township Manager; and Dee Ackerman, Administrative Assistant.

PUBLIC COMMENT:
Victoria Kresge, Township Resident spoke to the need to continue negotiations with the police union and finalize a contract. The police are under enough stress and do not need this added on top. An arbitration could cost upwards of $40,000. There was a petition started on-line signed by over one thousand people.

Martin Ksepka, Stroud Township resident spoke to being in the police academy at this time and had always considered wanting to work for Pocono Township. He has met most of the officers while working his security positions. He questioned whether the Board wanted to shut down the police department and whether he wanted to work for this department.

Meghan Lahey, Stroud Township spoke on behalf of all stake holders who are affected by the lack of a contract with the police department. She read a letter from Mary Wilding, the mother of a fallen Scranton Police Department Officer.

ANNOUNCEMENTS:
R. Wielebinski announced the following –

- Please remember to sign in as you enter the meeting room
- There was an executive session held February 5, 2020 for negotiations and personnel
- There was an executive session held February 10, 2020 for personnel possible litigation concerning Turtle Walk and the Penney property
- There was an executive session held tonight, February 18, 2020 concerning personnel

HEARINGS: none

PRESENTATIONS:
Michelle Bisbing of the Pocono Mountain Economic Development Corporation explained to the board that the TIF (Tax Incremental Financing) that was put in place in 2005 for four parcels totaling about 276 acres on the property of Sanofi has been paid off five years early. A TIF allows the taxing bodies to approve a property for the TIF District. If development occurs in that district any increases in taxes will go into an account to pay down a loan which assisted to complete the development. This was a project towards hooking into the Pocono Township Wastewater System. The property is no longer considered a TIF District. The township received a check in the amount of $19,538.40. Ms. Bisbing thanked the Commissioners for being a partner in the project and in economic development.

RESOLUTIONS:

OLD BUSINESS:

MINUTES:

R. Wielebinski made a motion, seconded by J. Belvin, to approve the minutes of the 2/3/2020 regular meeting of the Board of Commissioners. Under discussion Commissioner Gnandt believes the statement under Resolution 2020-04 which talked about the budget year is misleading. Discussion followed. Commissioner Gnandt asked that language be added under the discussion for the 2021 Peterbilt concerning the capital plan, Commissioner Gnandt questioned under what circumstances would the alternates for the planning commission be used, only when there is no quorum of regular members or during abstentions of voting. Discussion followed. Commissioner Wielebinski and Commissioner Belvin agreed to the friendly amendment to add the discussion language as listed above in the February 3, 2020 minutes. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve the minutes of the February 5, 2020 work session. Under discussion Commissioner Gnandt stated that there were action items not listed in the minutes as the township manager was not there for that discussion. Commissioner Gnandt listed the items as well as the time of adjournment, all which needed to be added to the minutes. A friendly amendment was agreed to, having the township manager make the appropriate changes to the minutes. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

NEW BUSINESS:

Personnel –

R. Wielebinski made a motion, seconded by J. Belvin, to approve an increase of fifty (.50) cents per hour for Robert Rasely, effective 1-1-2020, due to have a state inspection license as per the Public Works CBA. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve the payment of $100.00 to renew the state inspection license of Robert Rasely. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve the monthly payment of $236.83 to Doug Smith, through payroll, as an opt out of health care payment, medical only, as provided for under the Police CBA. Under discussion Commissioner Gnandt questioned whether or not the township needed to have a cafeteria plan for this type of reimbursement. D. Asure explained that our plan allows for this payment, post tax under payroll. The manager checked with both the auditor and our health care administrator. Commissioner Gnandt stated that the CBA states this should be a one lump sum on a date to be determined by the Board. The manager responded that in discussion with the employee a monthly payment would work so they would be able to plan on a payment of some type. Also, should an employee leave part way through a year, having received a payment for the entire year the township would then need to get this money back from the former employee. Commissioner Gnandt stated this may become a grievance from the union. It was discussed that the solicitor should review this request and our plan and if permissible to move forward with the payment. A friendly amendment was agreed to and the solicitor was instructed to review this information and if permissible to move forward with the payment. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

The township manager acknowledged for the record that Thomas Lynott had retired from the Pocono Township Police Department effective February 1, 2020.

R. Wielebinski made a motion, seconded by J. Belvin, to amend a policy that governs the health care plan of the following positions – Township Manager, Fiscal Administrator and Chief of Police, to contribute 3% monthly towards health care premiums, a $2000/$4000 deductible and an HRA paid 50% by township effective January 1, 2020. Under discussion Commissioner Gnandt questioned whether this is a pre-tax cafeteria plan. The township manager reported that this is a pre-tax deduction from payroll. A Premium Only Plan (POP) document is provided to each employee affected by this contribution prior to the start of the year for the past two years and asked to sign they received the information. Commissioner Gnandt asked that this be confirmed as being done correctly with the health care plan administrator. Commissioner Gnandt asked the solicitor if this was proper to do for someone with an employment contract. Solicitor DeVito stated that an employment agreement cannot be changed in this manner and asked the township manager if this is in the current agreement. D. Asure responded that it is not in the current employment agreement. Commissioner Wielebinski stated that currently there is no employment agreement with the manager. Commissioner Gnandt stated that the contract was continued with a motion by the board to which the solicitor agreed. Solicitor DeVito explained that an

employment contract cannot just be changed without the discussion/agreement from the contracted party concerning change in compensation. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, no; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve the employment agreement with Kent Werkheiser as Pocono Township Chief of Police effective January 1, 2020 through January 18, 2021. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Financial Transactions –

Ratify vouchers payable

R. Wielebinski made a motion, seconded by E. Gnandt, to ratify vouchers payable for a period ending February 13, 2020 in the amount of $ 1,749.21. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Ratify gross payroll -

R. Wielebinski made a motion, seconded by E. Gnandt, to ratify the gross payroll for the pay period ending February 9, 2020 in the amount of $ 96,392.91. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Vouchers Payable

R. Wielebinski made a motion, seconded by K. Meeker, to approve vouchers payable received through February 13, 2020 in the mount of $ 258,515.55. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

2020 Road Paving, Tar and Chip and Line Stripping -

R. Wielebinski made a motion, seconded by K. Meeker, to authorize the township manager to go out to bid for the 2020 road paving, seal coat and line stripping projects for Pocono Township. Under discussion D. Asure reported that there was a listing of roads in the board's agenda packet that R. Sargent had submitted with his 2020 budget request. D. Asure was asked if roads could be deleted once bid. D. Asure explained that the bid states that the bids can be accepted "more or less" meaning the board has the right to accept the bid in its entirety or in part whatever is in the best interest of the township. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Travel/Training Authorizations – none

REPORT OF THE PRESIDENT:

Richard Wielebinski, President –

R. Wielebinski discussed the LED speed signs that he has been researching for several months. He stated that the company has not yet been approved as a co-stars vendor but that should occur soon.

Commissioner Wielebinski reported that he went to the Jackson Township Supervisors meeting on February 13, 2020 and spoke to them about joint recreational opportunities. The Jackson Township Board is receptive to a discussion and would like a work session set up.

R. Wielebinski made a motion, seconded by K. Meeker, to authorize the township manager to negotiate with the Public Works union, the position of Assistant Road Crew Foremen at $1.00 per hour. Under discussion, Commissioner Lastowski stated that he would not be able to support this at this time as he did not have the opportunity to have all of his questions answered about this position. President Wielebinski asked if the board would be ok with a brief executive session with R. Sargent to have questions answered. Commissioners Lastowski and Gnandt adjourned into executive session at 7:58pm with R. Sargent to discuss this personnel issue. The Board of Commissioners reconvened the regular meeting at 8:16pm. Commissioner Wielebinski asked if there was any further discussion. There was none. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, instructing the township manager to advertise for a special meeting on Thursday, February 27, 2020 at 4:30pm to discuss and make a decision on township

manager applicants. Under discussion, Commissioner Gnandt asked if the meeting could be held a little later. A friendly amendment was agreed to and the meeting will be advertised for 5:00pm. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

COMMISSIONERS COMMENTS

Jerrod Belvin - Vice President –

Commissioner Belvin reported that he has been working on phone quotes for a new township phone system for several months. J. Belvin made a motion, seconded by K. Meeker, to accept the quote from Access Office Technologies in the amount of $12, 286.60 for the new township phone system to be paid from the capital reserve budget. Under discussion Commissioner Belvin stated that this system is scalable and moveable. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Ellen Gnandt - Commissioner –

Commissioner Gnandt stated that she had items on her list but they were elsewhere on the agenda so she will address them at that time.

J. Lastowski - Commissioner –

J. Lastowski reported that discussions are ongoing between the fire company and Pocono Manor for reimbursement of expenses due to the November 1, 2019 fire.

Commissioner Lastowski asked R. Sargent if signs had been placed on Bog Road. R. Sargent stated he has placed one sign and is waiting until the ordinance is passed for the rest to be placed.

Keith Meeker - Commissioner – no report

REPORTS:

Police - The Board received a report in their packet for police activities for the month of January.

EMS – St. Luke's was unable to attend the meeting and provided the board with a report for the month of January.

Fire - no report

Zoning –

R. Wielebinski made a motion, seconded by K. Meeker, to approve the fee schedule for the Grading Application and permit of $250.00 for the permit and a $1500.00 professional service agreement escrow. Under discussion, Commissioner Gnandt stated she would prefer this was tabled until she saw a fee schedule with this in it. D. Asure reported that we are currently starting to get applications in and without a fee set the township will be absorbing the costs to review which could be significant. She also stated that she is in the process of updating the fee schedule which will include the rates for SFM but also updating incorrect fees adopting in the 2017 resolution. E. Gnandt made a motion to table this. No second. Motion failed. Roll Call Vote on original motion: Jerrod Belvin, yes; Ellen Gnandt, no; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Public Works

Road Crew Projects - R. Sargent reported they are cutting and chipping brush, cold patching and repairing machinery to be used in the spring.

Ice Rink - R. Sargent reported that the weather is not cooperating this year for the ice rink.

LED Lighting for the township complex - R. Sargent reported the lights have been ordered.

Lights at Heritage Center – R. Sargent reported that quotes were being gathered to replace the lighting

Alger Avenue Project – R. Sargent reported that he will need to get authorization to remove three trees. The trees need to be removed to be able to do the work that was agreed upon with the MCCD. The work which will be done by the township road crew, will divert water along the parking lot to the retention basin. R. Sargent stated that he estimates the materials to cost about $3,056.60. The Board instructed R. Sargent to

get quotes for the tree removal. J. Lastowski made a motion, seconded by R. Wielebinski, to approve the project along Alger Avenue to be performed by the road crew in the approximate amount of $3,056.60 not including township employee time. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Wielebinski made motion, seconded by J. Belvin, to authorize the township manager to go out to bid for spring and fall clean-up as follows – three days in the spring, either April 30th and May 1 and 2 or May 7 thru 9th; and fall – two days, either October 2nd and 3rd or September 25th and 26th. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

R. Sargent discussed again with the Board the request from PennDot to take over the flashing solar light on Sullivan Trail. Discussion followed concerning the liability of doing this and the opinion of our insurance agent, an upcoming meeting where more information will be gathered and the cost to the township to maintain. This will stay on the agenda for future discussion.

R. Sargent discussed with the Board the findings of D'Huy and the maintenance roof. R. Wielebinski made a motion, seconded by K. Meeker, to authorize the township manager to go out to bid for the roof replacement project on the maintenance building as identified by Josh Grice of D'Huy as needing replacement. Under discussion Commissioner Gnandt questioned the results of the test that was authorized a few meetings ago. It was explained that the test authorized is for flat roofs only and is still being scheduled. This replacement is being recommended from an inspection of the roof areas on the maintenance building as the fiberglass sections are deteriorating. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

Bog Road - Discussion followed on Bog Road signage. The Board discussed the placement of stencils, and the associated costs versus using thermal plastic. R. Sargent reported that the thermal plastic would be much cheaper and would last for several years. He recommended that this be the direction of the township. These directional signs would not be put into place until after the completion of the road projects scheduled for this year.

Well at MVP - R. Sargent reported that he has a quote to install the piping, install the DEP lid, the tanks and plumbing and the filtration system for $9,845.50. R. Sargent estimated the township portion of the project to be about $3,079.24. Commissioner Wielebinski stated that if the Board agreed, R. Sargent should get two more quotes for the outside work. Commissioner Gnandt asked for clarification on the three quote direction. It was clarified that the Board is giving direction that the part of the MVP well installation to be done by an outside contractor should have three quotes.

Administration - Manager's Report

Regional Comprehensive Plan – D. Asure stated that the task force will meet again in March. The task force was asked to review the former comp plan goals, done in 2005 and see what goals had been met and which were not and possible reasons why or why not. The Board of Commissioners still need to appoint representatives to this task force.

Traffic Task Force - no report

Pocono Business Association – no report

Green Light Go 2015 – Project is complete and waiting for final PennDot paperwork.

Green Light Go 2017 – D. Asure reported that PennDot is looking for resolutions and letters from the township committing matching funds, in the new amount to the project, continued guarantee of annual maintenance and the signing of an intermunicipal agreement. Discussion followed on where to find the additional match money and how to move forward.

Amusement Tax – D. Asure and L. DeVito reported that ongoing conversations are being had with Camelback. J. Lastowski made a motion, seconded by R. Wielebinski, to delay the implementation of the Amusement Tax until May 1, 2020 and to continue to negotiate with Camelback as long as the negotiations continue to be fruitful. Under discussion Commissioner Gnandt stated that we should implement the tax now and enforce it with the properties as

this has been delayed for a couple of years. Commissioner Lastowski stated that a prior board could have implemented this tax but there was not agreement on whether the tax would go into the budget to finance needed items for the township or go to a tax reduction. He stated that some sort of guaranteed revenue is better than nothing. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, no; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

D. Asure reported that the township had received a letter from Jackson Township asking for support for the agreement with the USDA to inspect for spotted Lantern Flies at the HJP Park. The Board agreed that this should be done and the affirmative response could be handled administratively. Pocono Township signed this agreement with the USDA last summer for the Pocono Township open spaces.

TOWNSHIP ENGINEER REPORT:

White Oak Culvert replacement project – Shop drawing being reviewed.

Right Hand Turn Lanes - no report

TLC Bridge- Waiting for punch list to be completed in the spring.

TLC Dam – J. Tresslar reported that he has started the process for the GP permit.

Culvert Cleaning Maintenance – no report

Master Sidewalk Plan - J. Tresslar reported that at the recent PennDot meeting in Allentown attended by himself and D. Asure, PennDot was supportive of the sidewalk plan and asked for more details to be sent to them. They may be able to include in their future projects.

Traffic Study Ordinance - J. Tresslar reported that there was some conversation concerning the acute angle at Learn and Pigeon. He stated he can amend the report to add additional signage. Commissioner Belvin reported that residents are still confused as to the closing of the road. There was discussion that possible future development in that area could be able to assist with improvements that are needed to make that intersection safe. Commissioner Wielebinski discussed the Master Sidewalk plan and the fact that it shows Pigeon being realigned with Old Mill into a four way and asked J. Tresslar to get an informal opinion from PennDot if this intersection could be part of the upcoming realignment project.

Well at Mountain View Park - J. Tresslar reported that he is working with R. Sargent to prepare a materials list so the project is ready to go come spring.

TOWNSHIP SOLICITOR REPORT

Breezewood Drive Easements – no updated report.

ZHB Updates -

Solicitor DeVito updated the Board on Zoning Hearing Board appeals.

- Abrams/LTS – signs – Solicitor DeVito reported that the signs have been removed and the appeal has been withdrawn. .
- 3262 Birch Hill Drive – This will be held Tuesday, February 25, 2020 at 5pm.

Electric Contract – Solicitor DeVito reported that most of the changes requested to the contract were made. The one he is slightly concerned with is the liability and indemnification clause which they will not change. He would like additional time to run this by his partners for their thoughts.

Building Codes Contracts – Solicitor DeVito reported that there have been some issues with attempting to get BIU to change the language in their contract. They do not agree that the township will have one Building Codes Official and intend to name their own and submit to Labor and Industry. It was reported that SFM is willing to adopt the fee schedule to be used by BIU which was slightly less than the fee scheduled proposed by BIU for residential. J. Belvin made a motion, seconded by R. Wielebinski, to appoint SFM Consulting as both the commercial and residential building code enforcement for Pocono Township. Discussion followed on the property at Route 611 and Warner Road and there being a stop work order issued to them. D. Asure was asked that the monthly report for zoning be incorporated into the board packet. Roll Call Vote: Jerrod Belvin,

yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.

PUBLIC COMMENT:

ADJOURNMENT:

R. Wielebinski made a motion, seconded by E. Gnandt, to adjourn the meeting at 9:20pm. Roll Call Vote: Jerrod Belvin, yes; Ellen Gnandt, yes; Jerry Lastowski, yes; Keith Meeker, yes; Rich Wielebinski, yes. Motion carried.