

**POCONO TOWNSHIP BOARD OF COMMISSIONERS**

**SPECIAL MEETING MINUTES**

**MARCH 14<sup>th</sup>, 2018 6:00 P.M.**

The Special meeting of the Pocono Township Commissioners was held on Tuesday, 03/14/2018 at the Pocono Township Municipal Building, Tannersville, PA, and was opened by President Gerald Lastowski at 6:00 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, Solicitor, Broughal & DeVito; Donna Asure, Township Manager; and Pamela Tripus, Township Secretary, were present.

**PUBLIC COMMENT:**

Change in Public Comments - L. DeVito, Twp. Solicitor, noted he had received some inquiries from Twp. residents concerning the decision to limit public comment to the beginning and end of the public meetings. As a follow up to his prior research, he reached out to the author of the Solicitor's Handbook, published by DCED and the solicitor agreed the Township's policy is in compliance with the Sunshine Act. L. DeVito remains of the opinion the way public comment is being handled within the Township, is compliant with the express terms of the Sunshine Act.

Ramona Shupp, Twp. resident, commented on the Pocono Record article. She spoke against the change in public comment.

Christopher Ortolan, Twp. resident, commented on the change of public comments. He felt the Township residents should be allowed to comment during the agenda items discussion.

Christopher Ortolan, Twp. resident, questioned why the Township did not hire an additional road department employee. He suggested the Board be more proactive on hiring the staff needed for the road department.

Ellen Gnandt, Twp. resident, noted she sent an email to the Twp. Manager, concerning the agenda items. She had questions concerning the by-laws, Sec. A. - 'remarks and comments can be allowed at the discretion of the President'. She requested the definition of the comment and that it be taken out of the by-laws.

E. Gnandt - commented on Sec. B - Posted and Final Agenda - D. Asure, Twp. Manager, noted she had responded to E. Gnandt's email and explained if it is not on the posted draft agenda, the public would be allowed to comment on the agenda item.

L. DeVito, Twp. Solicitor, noted if something is ambiguous on the posted agenda, the public can request additional information from the Board during Public Comment.

E. Gnandt, Twp. resident, commented on J. Lastowski's interview on Channel 13.

**PUBLIC COMMENT CONT:**

E. Gnardt, Twp. resident, questioned if any action would be taken on the Act 457 plan. D. Asure, Twp. Manager, stated it is on the agenda for a board report on the meeting.

E. Gnardt, Twp. resident, questioned the Exxon Pumps. L. DeVito, explained he spoke to Jon Tresslar, Twp. Engineer, and the problem is with one tank and not the other and that is reason Exxon continues to operate.

E. Gnardt, Twp. resident, asked if answer was received on the defined benefit plan being taxable or non-taxable. D. Asure explained Attorney Jacobs found the pension is non-taxable. L. DeVito, Twp. Solicitor, noted it was only for one officer's pension.

**ANNOUNCEMENTS:**

Declaration of Disaster Winter Storm Riley

J. Belvin a motion, seconded by J. Lastowski, to ratify the Disaster Declarations for Winter Storm Riley on March 2<sup>nd</sup>, and Winter Storm 'Quinn' on March 7<sup>th</sup>, 2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Recognition of Storm Assistance - J. Lastowski, noted it was tough for the Township and he wanted to recognize the persons and organizations that helped during the winter storms.

Jerrod Belvin - Emergency Management Coordinator

Pocono Township Road crew

Pocono Township Police Department

Rodney Wolfe and St. Luke's for the warming shelter and food

Brad Harrison and Pocono Township Volunteer Fire Company

Pocono Township Fire Auxiliary for food

Nyles and Ryan Possinger for generators

Tom Hartman and his crew of electricians

Dave Moyer - Possinger and Moyer

Tony Farda and his staff at Road Runner Gas Station

Exxon Station, Bartonsville Truck Stop for working with the Township for gas

Mike Tripus for his assistance with the generator

All Township residents for getting through the storm

J. Lastowski thanked Donna Asure for her work during the storms.

Jerrod Belvin thanked Angela Tullo, who manned the kitchen at the Fire Company for the emergency service people, road crew and persons at the warming station, during both storms. He thanked all the people who helped during the Winter storms to bring help to all the residents in need.

1) Executive Session - February 26<sup>th</sup>, 2018 - negotiations and personnel

2) Executive Session - March 13<sup>th</sup>, 2018 - personnel

**PRESENTATIONS**

MCTA - Peggy Howarth, Executive Director MCTA, and Wayne Mazur, MCTA. Peggy Howarth explained the history of Monroe County Transit Authority (MCTA) and requested the Township accept the dedication of MCTA Drive. She noted two other businesses share MCTA drive - F.J. Hess and the future Hotel will share the MCTA drive. Discussion followed on the opening of Flute Road into Scotrun Estates, future expansion of the CNG (Gas) line to MCTA, future use of Enforcer Lane, and the future plans for the vacant land owned by MCTA. J. Lastowski requested the Township Manager reach out to Jon Tresslar, Twp. Engineer to discuss the steps necessary to dedicate the road.

**MINUTES:**

J. Belvin made a motion, seconded by R. Wielebinski, to approve the regular Board of Commissioner meeting minutes of 02/20/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

**NEW BUSINESS:**

Personnel - No discussion.

**FINANCIAL TRANSACTIONS**

R. Wielebinski a motion, seconded by J. Belvin, to ratify vouchers payable received through March 8<sup>th</sup>, 2018 in the amount of \$49,816.22. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to ratify gross payroll totaling \$73,902.25 for payroll ending 02/25/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Belvin made a motion, seconded by J. Lastowski, to approve vouchers payable received through 03/08/2018 totaling \$52,291.89. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

D. Asure noted there was a reduction in the posted bills list due to a duplication of an invoice - once by actual invoice and once by credit card. J. Lastowski noted since the change was not on the posted agenda public comment was allowed.

R. Wielebinski made a motion, seconded by J. Belvin, to ratify Capital expenditures received through 03/08/2018 in the amount of \$39,634.00. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

**TRAVEL AUTHORIZATION:**

R. Wielebinski made a motion, seconded by J. Belvin, to ratify travel of Earl Ackerman to Lehigh Township Police Department, Walnutport, PA, March 5<sup>th</sup> through March 9<sup>th</sup>, 2018 for Front Line Supervisors Training sponsored by Penn State for a cost of \$715.00 registration fee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to approve travel of James Wagner to Washington Twp. Police Department, Northampton County, March 19<sup>th</sup>, 2018 for Cellular Technology Training for a cost of \$100.00 registration fee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by J. Belvin, to ratify travel for Commissioner Richard Wielebinski to PSATS Boot Camp, February 24<sup>th</sup>, 2018, Comfort Inn on Montage Mountain, Scranton including reimbursement of registration fee of \$149.00 and mileage. L. DeVito recommended that it be placed on the next agenda since a full complement of the Board was not present. J. Lastowski withdrew his motion, J. Belvin withdrew his second. No action taken.

R. Wielebinski made a motion, seconded by J. Belvin, to approve Training (online) for Paola Razzaq, through Government Finance Officers Association as follows -

1. Presentation of the Capital Budget - March 28<sup>th</sup>, 2018 - \$85.00
2. Governmental fund financial Statements and Budgetary Reporting - April 18<sup>th</sup>, 2018.
3. Government-wide Financial Statements - May 23<sup>rd</sup>, 2018 - \$85.00

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

**REPORT OF THE PRESIDENT:**

Board of Commissioners Bylaws - R. Wielebinski made a motion, seconded by J. Belvin, to table the Board of Commissioners Bylaws. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Policy for work session minutes - L. DeVito, Twp. Solicitor, noted minutes require those present, comments from the public and any formal action. In regards to workshop minutes, since not formal action is taken, time, date, those present, a note 'no action taken', and public comment are required. Discussion followed. J. Belvin made a motion, seconded by R. Wielebinski, to adopt the following policy for work session minutes to include bullet items discussed, date, time, those present and public comment and noting 'no action taken at the meeting'. L. DeVito recommended that it be placed on the next agenda since a full complement of the Board was not present. J. Belvin withdrew his motion and R. Wielebinski withdrew his second. No action taken.

**REPORT OF THE COMMISSIONERS:**

Bob DeYoung, Vice President - Absent

Harold Werkheiser, Commissioner - Absent

Richard Wielebinski, Commissioner

Dangerous Structures

2765 Rt. 611 - R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Township Zoning Officer to send a Notice of Violation to the landowner for the dangerous structures located at 2765 Route 611, Tannersville, Pa.

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

Lot 1, Rt. 611, Swiftwater - R. Wielebinski made a motion, seconded by J. Belvin, to authorize the Township Zoning Officer to send the notice of violation to the property owners of the dangerous structure located at Lot #1, Route 611, Swiftwater, Pa. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

38 Pinnacle Way, Tannersville, tenant complaint - L. DeVito, Twp. Solicitor, worked with Mike Tripus, Zoning Officer, to draft and send a letter to the property owner to enter into the building to inspect.

Jerrod Belvin, Commissioner

Emergency Management Report - J. Belvin explained a 'hotwash' meeting was held this morning, with all Department heads involved in Winter Storm Riley and Quinn, to put together an after action report. It should be completed for the next meeting.

**REPORTS:**

Finance Committee - R. Wielebinski noted a meeting was held with Nationwide (457 Plan) to discuss the plan and benefits for Townships employees who participate.

Sewer Committee - Kalahari - J. Lastowski noted the next meeting will be held a week from Friday.

Administration - Manager's Report -

Underground Storage Tank removal application submitted to DEP - D. Asure reported a letter has been sent to DEP notifying of the intent to remove the tanks. R. Wielebinski explained the tanks are old, but not leaking. He suggested that they wait until a determination for the buildings is made. Discussion followed.

J. Lastowski directed D. Asure to place the Underground Storage Tank on the next agenda.

**REPORTS CONT:**

D. Asure explained she spoke to the generator company for quotes for long term rental. There will be a monthly charge with an hourly rate when used. Mr. Hartman, Hartman Electric, will come to the Township and evaluate what size generator the Township needs. J. Lastowski noted \$125,000 for a generator, has been in the budget for two years.

PEMA Letter acknowledging Jerrod Belvin as EMC was received.

Agreement with MCCD/Kettle Creek for programs at Mountain View Park -

J. Lastowski made a motion, seconded by J. Belvin, to enter into an agreement with Monroe County Conservation District/Kettle Creek to provide various programs at Mountain View Park this summer. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Copier Quotes - D. Asure has been meeting with copier companies. She is comparing the cost and should have a recommendation by next meeting.

Township Treasurer - R. Wielebinski made a motion, seconded by J. Belvin, to appoint Frank Cefali as Township Treasurer at a rate of \$140,00 per hour on an as needed basis.

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

Christine Brodsky

J. Lastowski made a motion, seconded by R. Wielebinski, to increase the hourly rate of Christine Brodsky to \$17.60 per hour effective 01/17/2018 as required by the Public Works CBA (80% of the lowest paid Public Works collective bargaining unit employee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Paola Razzaq

R. Wielebinski made a motion, seconded by J. Belvin, to make Paola Razzaq fulltime bookkeeper effective 04/02/2018 at her current rate of \$18.00 per hour. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Lastowski requested D. Asure explain the need for additional staff time. D. Asure, Twp. Manager, explained the Township is an extremely busy office and the additional man-hours will help to get the back log of work done on a daily basis. J. Lastowski note they are working on the Public Works contract and hope to have a decision soon for at Public works supervisor.

Stroudsburg Borough request for assistance

R. Wielebinski made a motion, seconded by J. Belvin, to approve the request from Stroudsburg Borough for assistance of the Pocono Township Fire Police on March 18<sup>th</sup>, May 20<sup>th</sup>, and November 4<sup>th</sup>, 2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

**PUBLIC WORKS REPORT:**Spring and Fall Cleanup

R. Wielebinski made a motion, seconded by J. Lastowski, to set the dates for Spring Cleanup as May 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup>, Fall Cleanup as September 27<sup>th</sup>, 28<sup>th</sup>, and 29<sup>th</sup> and to approve utilizing Waste Management as the lowest quote received at \$100.00 per dumpster, \$275.00 hauling fee and \$75.00 per ton disposal fee. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

**TOWNSHIP ENGINEER REPORT:** Since Jon Tresslar, Twp. Engineer was absent D. Asure, Twp. Manager noted the two items for action.

1) Schlier Construction Escrow release - J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the reduction of the Schlier Construction Escrow in the amount of \$226,892.70 as recommended in the Twp. Engineer's letter dated 02/26/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

2) Payment Application #6 - Milnes Company

J. Belvin made a motion, seconded by R. Wielebinski, to approved Payment Application #6 to The Milnes Company for the control valve replacement project in the amount of \$94,301.10 as recommended by the Twp. Engineer in his letter dated 03/08/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

J. Lastowski requested D. Asure to reach out to Jon Tresslar to review the MCTA request.

**TOWNSHIP SOLICITOR REPORT:**

a) Exxon Monitoring Wells Agreement - L. DeVito, Twp. Solicitor, noted he had sent the proposed agreement to Mr. Lopresti and is waiting for his response.

**RESOLUTIONS AND ORDINANCES**

Resolution 2018-34 -Escalator Clause. D. Asure, Twp. Manager, noted she worked with Jeffry Roback, PennDOT, to prepare the bid and he recommended the escalator clause be included.

J. Belvin made a motion, seconded by J. Lastowski, to adopt Resolution 2018-34 - providing for an escalator clause for bituminous materials under PennDOT publication 408, which is included in the Township bid for Road Materials. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Resolution 2018-35 - Conditional Approval of Simpson Lot Line Adjustment - R. Wielebinski made a motion, seconded by J. Belvin, to adopt Resolution 2018-35 granting conditional approval of the Simpson Lot Line Adjustment. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

**RESOLUTIONS CONT:**

Resolution 2018-36 - Conditional Approval of Crossings Outlet Mall Final Land Development Plan - Deanne Schmoyer, Borton-Lawson, Inc. represented the plan and explained it was for changes to the maintenance building landscaping and curbing. R. Wielebinski made a motion, seconded by J. Belvin, to adopt Resolution 2018-36 - Conditional Approval of Crossing Outlet Mall Final Land Development Plan. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Resolution 2018-37 - Amending Resolution 2013-10 - J. Belvin made a motion, seconded by J. Lastowski, to adopt Resolution 2013-37 - Amending Resolution 2013-10 to reduce the sewer user rates for sewer customers to \$88.54 per EDU per month, reducing cost from \$104.17 per EDU per month. R. Wielebinski questioned if PFM was consulted concerning the reduced rate. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Effective date for Resolution 2018-37 - R. Wielebinski questioned when BCRA would reduce the rate. Discussion followed. J. Belvin made the motion, seconded by J. Lastowski to set the effective date for Resolution 2018-37 as 02/01/2018. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

**PUBLIC COMMENT:**

Ellen Gnandt, Twp. Resident, commented on the 2016 by-laws and the allowing public comment. L. DeVito noted the Board is working as quickly as possible to resolving the issue of public comment and by-laws.

Jake Singer, Twp. Resident, questioned concerning hiring for the Public Works Department. J. Belvin noted the Board is working on attracting new employees.

Maxine Turbolski, commented on the clearing of her road (Pippin Way).

Jake Singer, Twp. Resident, noted the Road Department did a good job during the snow storms.

Ellen Gnandt, Twp. Resident, comment on the Road Department's union wage rate.

**ADJOURNMENT INTO EXECUTIVE SESSION**

R. Wielebinski made a motion, seconded by J. Lastowski, to adjourn the meeting into executive session at 8:05 p.m., until 03/19/2018 at 7:00 p.m., at the Pocono Township Municipal Building, Tannersville, PA. Roll call vote: R. Wielebinski, yes; J. Lastowski, yes; and J. Belvin, yes. Motion carried.

Respectfully Submitted  
Pamela Tripus  
Township Secretary