

**REGULAR MEETING MINUTES****July 1, 2019 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on Monday, 07/1/2019 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; Rich Wielebinski, present, Jerrod Belvin, present, Chad Kilby, present, Harold Werkheiser, absent.

**IN ATTENDANCE:**

Leo DeVito, Twp. Solicitor, Broughal & DeVito; Mike Gable, Engineer, Boucher & James, Inc.; Donna M. Asure, Township Manager; and Dee Ackerman, Administrative Assistant were present.

**PUBLIC COMMENT:**

None

**ANNOUNCEMENTS:**

J. Lastowski announced an executive session was held on June 17, 2019 to discuss personnel issues.

J. Lastowski announced that an executive session was held on July 1, 2019 to discuss personnel issues and possible litigation concerning Tobyhanna Township and the Baymont Hotel.

**HEARINGS:**

The hearing to consider Ordinance 2019-03, an ordinance to repeal in its entirety chapter 30, Short-term rentals was opened at 7:05pm by President Lastowski. Leo DeVito, Township solicitor explained the purpose of the hearing and stated that the hearing was properly advertised as required. Testimony began and was transcribed by court stenographer for the record.

With no other testimony to be heard, R. Wielebinski made a motion, seconded by J. Belvin to close the hearing for Ordinance 2019-03. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes, C. Kilby, yes; J. Belvin, yes. Motion carried.

The Board was advised that they could vote on the Ordinance or table voting until a later time.

R. Wielebinski made a motion, seconded by J. Belvin, for discussion, to adopt Ordinance 2019-03, repealing in its entirety, Ordinance 2017-03, codified at Chapter 301, sort-Term Rentals, of the code of the Township of Pocono. Discussion followed on how the board should proceed. Roll Call vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

The Board recessed the meeting at 9pm before continuing with the regular meeting.

The meeting reconvened at 9:10pm.

**PRESENTATIONS:**

Leo DeVito, Twp. Solicitor, explained to the board that Northridge was present to discuss with the board and the zoning office how the project can move forward with changes that need to be made to satisfy both the township and DEP.

John Walk, Esq., representing Northridge at Camelback presented an updated plan to the board. Discussion followed concerning an updated plan that must go back before the planning commission and then the Board of Commissioners as well as the major modification needed for the NPDES requirements. The discussion also



included the issuance of a zoning permit to build two units, with the understanding that no certificate of occupancy will be issued until all permits have been received and all approvals granted.

## **RESOLUTIONS:**

Resolution 2019-14 – L. DeVito, Twp. Solicitor, explained the Resolution is to consider granting conditional preliminary/final approval to the Turkey Hill Land Development Plan.

J. Belvin made a motion, seconded by C. Kilby, to adopt Resolution 2019-14 granting conditional preliminary/final approval of the Turkey Hill Minit Market Land Development Plan with waivers and conditions as listed in the resolution and final review by the township engineer and solicitor. Discussion followed on the requirement for sidewalks on the plan. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

## **MINUTES:**

J. Lastowski made a motion, seconded by C. Kilby, to approve the minutes of the 06/17/2019 regular meeting of the Board of Commissioners. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by C. Kilby, to approve the minutes of the 06/24/2019 work session of the Board of Commissioners. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

## **NEW BUSINESS:**

### Personnel –

The Board acknowledged the completion of the probationary year for police officers Joseph Bianchi, Ryan Melley, and James Scott and asked that a letter of congratulations be sent to each officer.

### Financial Transactions –

#### Ratify vouchers payable

J. Lastowski a motion, seconded by R. Wielebinski, to ratify vouchers payable for a period ending 06/27/2019 in the amount of \$ 115,500.87. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; yes; and J. Belvin, yes. Motion carried.

#### Ratify gross payroll -

J. Lastowski made a motion, seconded by R. Wielebinski, to ratify gross payroll for the pay period ending 06/16/2019 in the amount of \$102,930.07. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

#### Vouchers Payable

J. Lastowski made a motion, seconded by C. Kilby, to approve vouchers payable received through 06/27/2019 in the mount of \$ 59,117.58. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

#### Capital Expenditures

J. Lastowski made a motion, seconded by J. Belvin, to approve capital expenditures received through 06/27/2019 in the amount of \$237,317.63. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.



Travel/Training Authorization –**REPORT OF THE PRESIDENT:**

Gerald Lastowski, President

J. Lastowski discussed the survey being done on Upper Swiftwater Road to Route 314 for the UGI gas line. He asked that the board be informed of the timeline for this project and that it is confirmed that the company is keeping the school district informed. Boucher & James will look into this and report back to the board.

J. Lastowski requested, if the board approved, that the township solicitor research how much the lawsuit concerning the Commission compensation Ordinance cost the township taxpayers and if those costs are recoverable back to the taxpayer. J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the solicitor to research the cost of the recent lawsuit and to see if costs are recoverable and to report back to the Board. No public comment. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

**COMMISSIONERS COMMENTS**

Rich Wielebinski - Vice President – None

Harold Werkheiser – Commissioner – Absent

Chad Kilby – Commissioner

Intersection Lighting Update – Commissioner Kilby reported that the project is progressing, and the new lights are lighting up the once dark intersections of the township.

Jerrold Belvin – Commissioner

Commissioner Belvin discussed the property at 1563 Sullivan Trail and what the possible next steps are to have the property cleaned up. J. Belvin made a motion, seconded by R. Wielebinski, to authorize the solicitor to commence legal action on owner of 1563 Sullivan Trail for continued violations of township ordinances. No public comment. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

J. Belvin made a motion, seconded by J. Lastowski, to allow volunteers of the public works department to be trained as drivers for the Pocono Township Volunteer Fire Company and to respond to fire calls during working hours as per policy to be developed by township. Training will be conducted during working hours. Discussion followed with Tom Kresge, Chief, PTVFC and Chris Kinsley, President, PTVFC concerning the need for drivers to respond to fires especially during the day during midweek. Roll Call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**REPORTS:****Public Works**

Road Crew Projects – R. Sargent reported the weather is delaying projects.

Park Operations – R. Sargent reported things are getting done at the park. J. Lastowski asked if the road crew has been sent to the park to work as directed and R. Sargent responded yes.



Fish Hill Road Storm System Project – R. Sargent reported the project is structurally done and just needs some dressing up.

Lighting from Heritage Center to Basketball Courts – has been looking at what is needed to get this done.

2019 Road projects – R. Sargent reported the paving should be done by July 8<sup>th</sup> with the stripping done shortly after that. The tar and chip (seal coat) has been complete.

Drainage issues - R. Sargent discussed drainage issues caused by driveway pipes that are either clogged, destroyed or never installed.

R. Wielebinski made a motion, seconded by C. Kilby, to authorize the township solicitor to prepare correspondence to affected property owners, on a case by case basis, as to the property owners responsibility concerning driveway pipes in the township right-of-way, and the cost of pipe, purchased from the township for the roadcrew to install. Public comment – E. Ghandt, Twp. Resident asked about the possible liability to the township. L. Devito, solicitor responded that this is why the township will have an agreement, on a case by case basis with the property owner. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

### **Administration – Manager's Report**

Regional Comprehensive Plan – No update

Traffic Task Force – A date is being set up that will allow PennDot to attend.

Pocono Business Association – No update

Mutual Aid Agreements – discussion took place on the mutual aid agreements. The 1993 agreement is still in place with each of the municipalities, so there is still a mutual aid agreement in place.

J. Belvin made a motion, seconded by R. Wielebinski, to grant the request from the Pocono Township Lion's club to waive the pavilion fee of \$50.00 for August 13, 2019. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

C. Kilby made a motion, seconded by J. Belvin, to approve the agreement with the US Department of Agriculture for the spotted lanternfly cooperative control program at no cost to the township. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to grant the request from the Pocono Garden Club to waive the pavilion fee of \$50.00 for August 13, 2019. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to enter into an agreement with MCTI for police coverage for the 2019-2020 school year at \$78.00 per hour for a maximum of 364 hours. Commissioner Wielebinski asked if the \$78.00 per hour covered the township costs. D. Asure reported that it just covered current basic expenses. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by C. Kilby, to request the Pocono Township Planning Commission review and provide recommendations and comments on the draft of the Erosion and Sedimentation – grading control ordinance. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

## **TOWNSHIP ENGINEER REPORT:**

White Oak Culvert replacement project – no report

Right Hand Turn Lanes - Working on all items needed for the multi-modal grant.

TLC Bridge- M. Gable reported the bid documents were being finalized and the bid is getting ready to be advertised.

TLC Dam – M. Gable reported the grant submission is still being worked on to submit to grant writer.

Culvert Cleaning Maintenance - No report

Master Sidewalk Plan – M. Gable reported that they are working on cost estimates including decorative lighting.

Erosion and Sedimentation Ordinance – no report

Learn Road to Fish Hill Road culvert inspection – discussion took place on the culverts once again becoming full with stone.

Well at Mountain View Park – Bids are being prepared to go out shortly.

MS4 – no update

Generator bid documents – preparing for phone bids the week of July 8, 2019

## **TOWNSHIP SOLICITOR REPORT**

Exxon Monitoring Wells – no update

Health and Safety Ordinance – a draft is being prepared for the township's review

White Oak Culvert emergency access – no update

Breezewood Drive Easements – L. DeVito reported that he continues to work with the property owners to complete this easement and emergency access. Discussion took place on gating the access point, what the primary use of the access would be for, such as only emergency events, and the use by emergency vehicles of this access point.



**PUBLIC COMMENT:** none

**ADJOURNMENT:**

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 10:39pm. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.