



**POCONO TOWNSHIP COMMISSIONERS  
AGENDA**

September 16, 2019 7:00 p.m.

**Open Meeting**

**Pledge of Allegiance**

**Roll Call**

**Public Comments**

*Comments are for any issue. Please limit individual comments to 5 minutes to allow time for others wishing to speak and direct all questions and comments to the President.*

**Announcements –**

Executive Session – held – August 29, 2019 – personnel and negotiations  
Please remember to sign in as you enter the meeting room.

**Hearings –**

Conditional Use Hearing – Motion to approve the application of Barth Rubin for conditional use to allow the construction of a billboard on the property located at Stadden Road and I-80 East, Pocono Township, Monroe County. (action item\*)

Erosion and Sedimentation Ordinance – Motion to approve Ordinance 2019-06, amending the code of Ordinances of Pocono Township by adopting a new Chapter 220, Grading; Erosion and Sedimentation Control, controlling soil erosion, sedimentation and grading (action item\*)

Transient Dwelling Use Ordinance – Motion to adopt Ordinance 2019-07, to amend the Code of Ordinances by Creating a new chapter 302, Transient Dwelling Use of Single-Family Dwellings (action item\*)

**Presentations – none**

**Resolutions**

Resolution 2019-17 – Motion approve the submittal of an LSA grant application for the repair of the dam at TLC park and authorize the President of the Board of Commissioners and the Township Manager to execute all necessary documents associated with this grant (action item\*)

**OLD BUSINESS**

1. Motion to approve the minutes of the September 3, 2019 meeting of the Board of Commissioners (action item\*)

**NEW BUSINESS****1. Personnel**

- a. Motion to authorize the hiring of additional public works employees as recommended by Robert Sargent contingent upon passing required pre-employment drug testing. (action item\*)

**2. Financial Transactions**

- a. Motion to ratify vouchers payable received through September 12, 2019 in the amount of \$ 709.67 (action item\*)
- b. Ratify gross payroll for pay period ending September 8, 2019 in the amount of \$ 107,733.27 (action item\*)
- c. Motion to approve vouchers payable received through September 12, 2019 in the amount of \$ 302,379.61 (action item\*)
- d. Motion to approve capital expenditures received through September 12, 2019 in the amount of \$ 2636.00 (action item\*)

**3. Travel/Training Authorizations (Approve/Ratify)**

- a. Motion to authorize Donna M. Asure to attend the Human Resources and Labor Management Institute on Thursday, September 19, 2019 at PSATS Officers, Cumberland County at a cost of \$99.00 registration fee plus mileage (action item\*)
- b. Motion to authorize the enrollment of Donna M. Asure in PMGA (PSTATS Municipal Government Academy) for a cost of \$75.00 (action item\*)

**Report of the President**

Gerald Lastowski

- a. Meeting with Senator Scavello and Representative Rader

**Commissioners Comments**

Richard Wielebinski – Vice President

Keith Meeker - Commissioner

Chad Kilby – Commissioner

- a. Update - intersection lighting

Jerrold Belvin – Commissioner

- a. Motion to authorize the Civil Service Commission to move forward with filling the vacant corporal position.
- b. Motion to authorize the zoning officer to proceed with a Notice of Violation for dangerous structure violations for 2477 Clubhouse Road as per the inspection conducted and report issued. (action item\*)

**Reports****1. Emergency Service**

- a. Police
- b. EMS
- c. Fire

**2. Recreation Committee****3. Zoning****4. Public Works Report**

- a. Update - road crew projects
- b. Update – Park operations
- c. Update - Fish Hill Road Stormwater Project
- d. Update – Lighting from Heritage Center to basketball court
- e. Update – Road projects – paving and seal coat
- f. Update – Woodlands road report
- g. Update - Mowing shoulders
- h. Motion to ratify the installation of driveway pipe at 235 Dyson Road and approve a payment plan of \$50.00 per month until the cost of \$258.50 has been paid (action item\*)

**5. Administration – Manager's Report**

- a. Update – Regional Comprehensive Plan
- b. Update - Traffic Task Force
- c. Update - Business Association
- d. Update – Mutual Aid Agreement
- e. Update – Green Light Go – 2015
- f. Update – Green Light Go - 2017
- g. Motion to authorize the zoning officer to conduct an inspect at the property of the former Birchwood Resort for possible dangerous structure violations. (action item\*)

**6. Township Engineer Report**

- a. Update - White Oak Culvert replacement project – flood mitigation grant – being considered by the CFA on September 18, 2019
- b. Update - Right hand turn lanes from Rt. 611 onto Rimrock and Bartonsville Avenue
  - On hold until grant award
- c. Update - TLC Bridge
- d. TLC Dam – information being provided to grant writer for LSA grant application submittal
- e. Update - Culvert cleaning maintenance

- f. Update - Master sidewalk plan – multi-modal grant
- g. Update – Erosion and Sedimentation Ordinance
- h. Update – Well at MVP
- i. Update – MS4
- j. Update – generator

**7. Township Solicitor Report**

- a. Update - Exxon Monitoring wells
- b. Update - easements for White Oak culvert and emergency access
- c. Update – easements – Breezewood Drive
- d. Motion to authorize the township solicitor to represent the township at the ZHB to be scheduled to hear appeal filed by Feeling Good, LLC (action item\*)
- e. Motion to enter into agreement for the Monroe County Constable Task Force & Accreditation Program as requested by Chief Werkheiser (action item\*)

**Public Comment**

*Please limit individual comments to 5 minutes to allow time for others wishing to speak and direct all questions and comments to the President.*

Executive Session – if necessary

**Adjournment**



CRAMER, SWETZ, McMANUS & JORDAN, P.C.

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and Trial Advocacy by the National Board of Trial Advocacy,  
A Pennsylvania Supreme Court Approved Agency

†Also Admitted in Florida

\*\*Also Admitted in New Jersey

September 10, 2019

Via Hand Delivery

Pocono Township Commissioners  
112 Township Drive  
P.O. Box 197  
Tannersville, PA 18372

Attn: Donna Asure, Township Manager

Re: Barth Rubin Conditional Use Application  
Electronic Billboard Sign  
Stadden Road at Interstate Route 80  
Tax Parcel No. 12/9/1/10-2

Dear Ms. Asure:

In connection with the above matter, enclosed please find nine (9) copies of the revised site plan for the subject parcel. The revisions to the site plan are intended to address Mr. Tresslar's comments from the Planning Commission review and recommendation as follows:

1. Identify source of PennDOT ROW data for Route 80;
2. Show name and address of owner of the parcel across Stadden Road;
3. Correct side yard setback along Route 80 to 20 feet;
4. Correct/remove sign height reference on plan;
5. Show distance to nearest billboard/sign along Route 80;
6. Show access driveway from Stadden Road to billboard location.

The applicant will of course be making a presentation on the Conditional Use Application before the Commissioners at the hearing on September 16, 2019 and will be prepared to address these items and any other questions concerning this application.

If you have questions or need additional information in connection with this application, please do not hesitate to contact me.

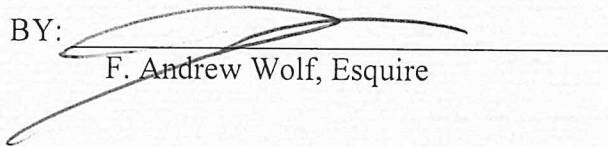
RECEIVED  
SEP 10 2019  
POCONO TOWNSHIP

Thank you for your cooperation and assistance.

Very truly yours,

CRAMER, SWETZ, McMANUS & JORDAN, P.C.

BY:



F. Andrew Wolf, Esquire

FAW:clm

Encl.

Cc: Jon Tresslar, P.E.(via email)

Lisa Pereira, Esq. (via email)

Barth Rubin (via email)

POCONO TOWNSHIP  
112 Township Drive, Tannersville, PA 18372  
CONDITIONAL USE APPLICATION

Application is hereby made for a permit to erect or alter a structure which shall be located as shown on the attached diagram and/or to use the premises for the purposes described herewith. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, such as might or would operate to cause a refusal of this application, or any change in the location, size or use of structure or land made subsequent to the issuance of this permit, without approval of the Zoning Officer or Zoning Hearing Board shall constitute sufficient ground for the revocation of this permit.

Application No. \_\_\_\_\_

Applicant Name Barth Rubin email address barth102@ptd.net  
Applicant Address P.O. Box 301, East Stroudsburg, PA 18301  
Property Owner Name Barth Rubin email address \_\_\_\_\_  
Owner Address P.O. Box 301, East Stroudsburg, PA 18301  
Site Address Stadden Road at I-80 East  
Township Tax Parcel No.: 12/9/1/10-2 PIN 12637200405852 Zoning District: C  
Attorney Name and Address F. Andrew Wolf, Esquire  
711 Sarah Street, Stroudsburg, PA 18360

Proposed Use, Building, or Structure: Billboard with digital/electronic display  
Isolation Distance (setback): Front Yard 75 ft. Rear Yard 25 ft. Side Yard 20 ft.  
Lot Dimensions: Total Acreage/S.F. 2.08 Lot Width 75 \* ft. Lot Depth 280 ft. \*at sign location  
Type of Construction Monopole billboard sign

(x) A Plot Plan of the Property is attached (x) A Written Narrative of the Proposed Use is Attached

Application for a Conditional Use Permit is Requested as per the requirement set forth in:

Article VII Section 470 Sub-Section 107 Page \_\_\_\_\_ of the Pocono Township Zoning Ordinance, as amended.

Explanation/Reason For Request: Section 470-107 of the Pocono Township Zoning Ordinance provides for construction of billboards as a Conditional Use within the Commercial Zone. Section 470-108(C) provides for billboards along Interstate 80.

Signature of Applicant: [Signature] Date 7/12/19

Official Use Only: Do not write below this line

Dates Advertised: \_\_\_\_\_ Date Posted: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Planning Commission Recommendation: Favorable \_\_\_\_\_  
Not Favorable \_\_\_\_\_ N/A \_\_\_\_\_

Remarks/Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board of Commissioners Decision: Date \_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_

Remarks/Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Officer Review Attached ( ) yes ( ) no Date: \_\_\_\_\_

Application Fee \$800.00 Transcription Fee \_\_\_\_\_ Total Amount Due: \_\_\_\_\_ Paid ( ) Check No \_\_\_\_\_ ( ) Cash Date \_\_\_\_\_

### **A WRITTEN NARRATIVE OF THE PROPOSED USE IS ATTACHED**

Applicant seeks a Conditional Use Permit for construction of a billboard with digital electronic display for Applicant's property located in the Commercial Zone in Pocono Township along Interstate 80 Eastbound at its intersection with Stadden Road. Applicant intends to construct a monopole structure as depicted on the elevation sketch attached, with construction to be completed by a licensed contractor in accordance with applicable building codes. This will be a single-faced billboard sign with a view face visible from the eastbound lanes of Interstate Route 80. The proposed location of the sign on the subject property meets all applicable set back regulations under the Pocono Township Zoning Ordinance for the Commercial Zone. The proposed sign height meets the applicable maximum thirty (30) foot as set forth in the Pocono Township Zoning Ordinance. The subject property is located in the Commercial Zone adjacent to Interstate Route 80 and conforms with regulations applicable to the proposed billboard use in that zone. The proposed use shall meet all applicable requirements of digital and/or electronic signs as set forth in the Pocono Township Zoning Ordinance, including minimum length of display face of eight (8) seconds, with maximum of one (1) second change interval. The proposed sign shall not include any animated, flashing or moving displays. The proposed sign shall otherwise comply with Pocono Township Zoning Ordinance Section 470-108(d).

**Donna Asure**

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**Subject:** FW: Billboard sign on Route 80

Attention Pocono Township Planning Commission:

We have reviewed the Conditional Use application for a proposed new billboard sign on Route Interstate 80 East and offer the following comments based on sign ordinance section 470-109 and 470-108 section C & D.

1. A billboard sign constructed along Route 80 shall require a copy of PennDOT's approval of sign placement prior to sign construction. 470-105 section M
2. All proposed signs along a state highway shall obtain PennDOT's approval and a copy of the permit submitted to the zoning officer, where applicable. 470-105 section L
3. Applicant has shown the area of signage is within the allowable permit square footage. 470-109 section A
4. Along interstate 80, the maximum vertical dimension shall not exceed 25 ft. above the average existing natural ground level of the lot. Applicant has submitted a total height of 30 feet that such conditional use shall be referred to the planning Commission by the Township Planning Commissioners for review and recommendation and may be permitted only after a hearing and determination by the board of Commissioners. Based on the sign ordinance, section 470-108 (C-2); and section 470-109A; its somewhat ambiguous, that the interpretation would reflect the maximum height of the sign cannot not exceed 30 ft. above the road surface.
5. The applicant has demonstrated that the billboard sign will meet the required minimum timing for digital and electronic displaying at (8) second change intervals. 470-109 section D-1.
6. All proposed billboard structures are subjected to building codes and review, prior to permitting.
7. The minimum spacing between billboards shall be 300 feet. Applicant should indicate the distance of the closest existing billboard to the east of the new proposed sign and to the west of interstate 80. Section 470-109 1-B ( AMENDED 7-16 2018 BY ORD. NO. 2018-05.)

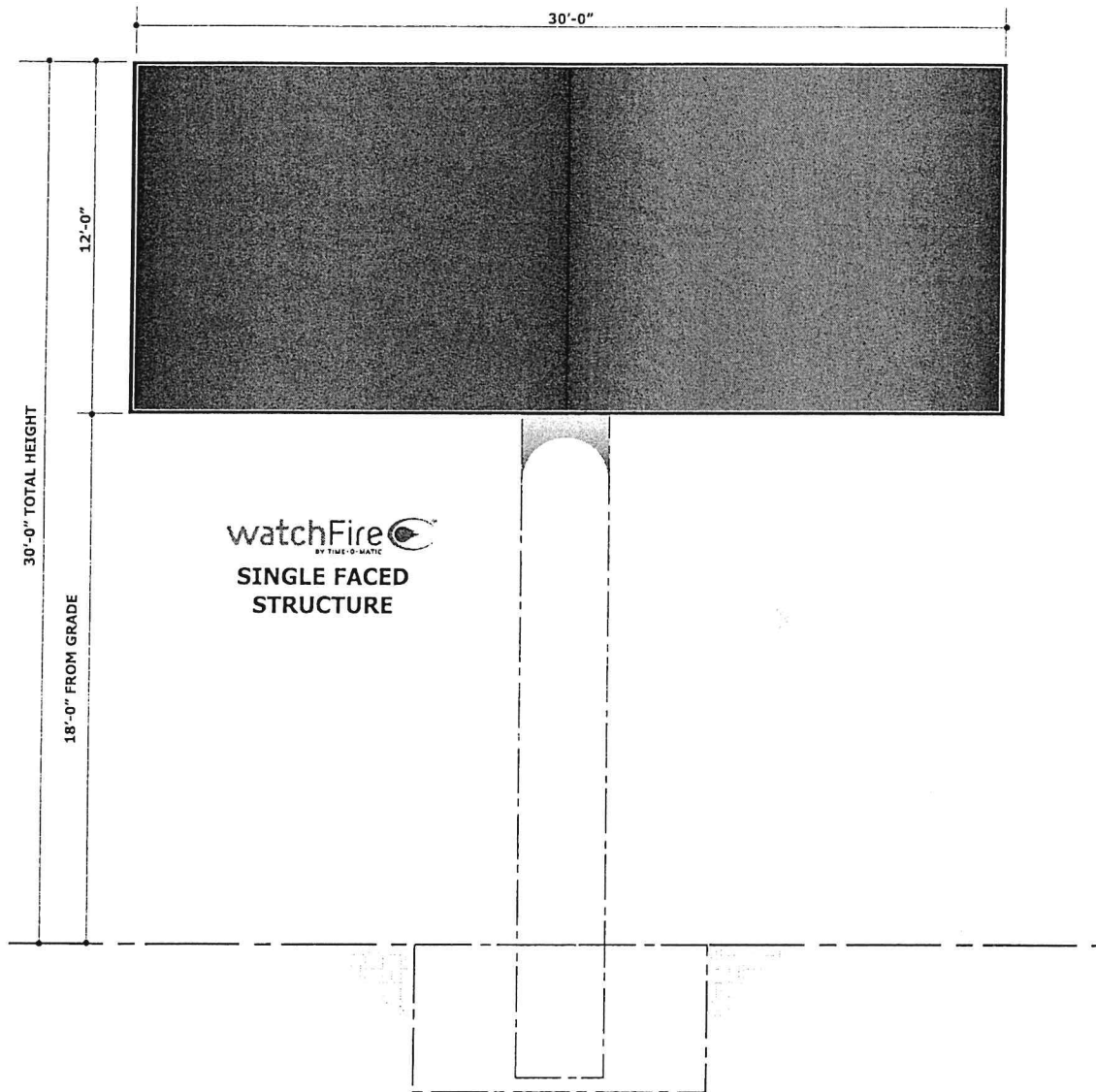
Any further question, contact me upon your request.

Jeffrey Snyder  
Zoning Administrator

*500 ft for PennDOT  
between signs*

*Strictly an east bound sign*

*30 ft from Rt 80.*



# **SIGN ELEVATION**

Scale: 1/4" = 1'-0"

Client: Date: 05-24-19 Dwg No: EMC-30FT  
Location: Dwg. By: M.J.S. Revised: 05-28-19  
Salesperson: MATT FREIWALD

The design and engineering presented on this drawing is to remain the exclusive property of Bartush Signs, Inc.

This design is submitted for your exclusive review under the agreement that the content herein will not be reproduced, copied, lent or shown to any other contractor or put to any other use without express written consent from Bartush Signs, Inc.

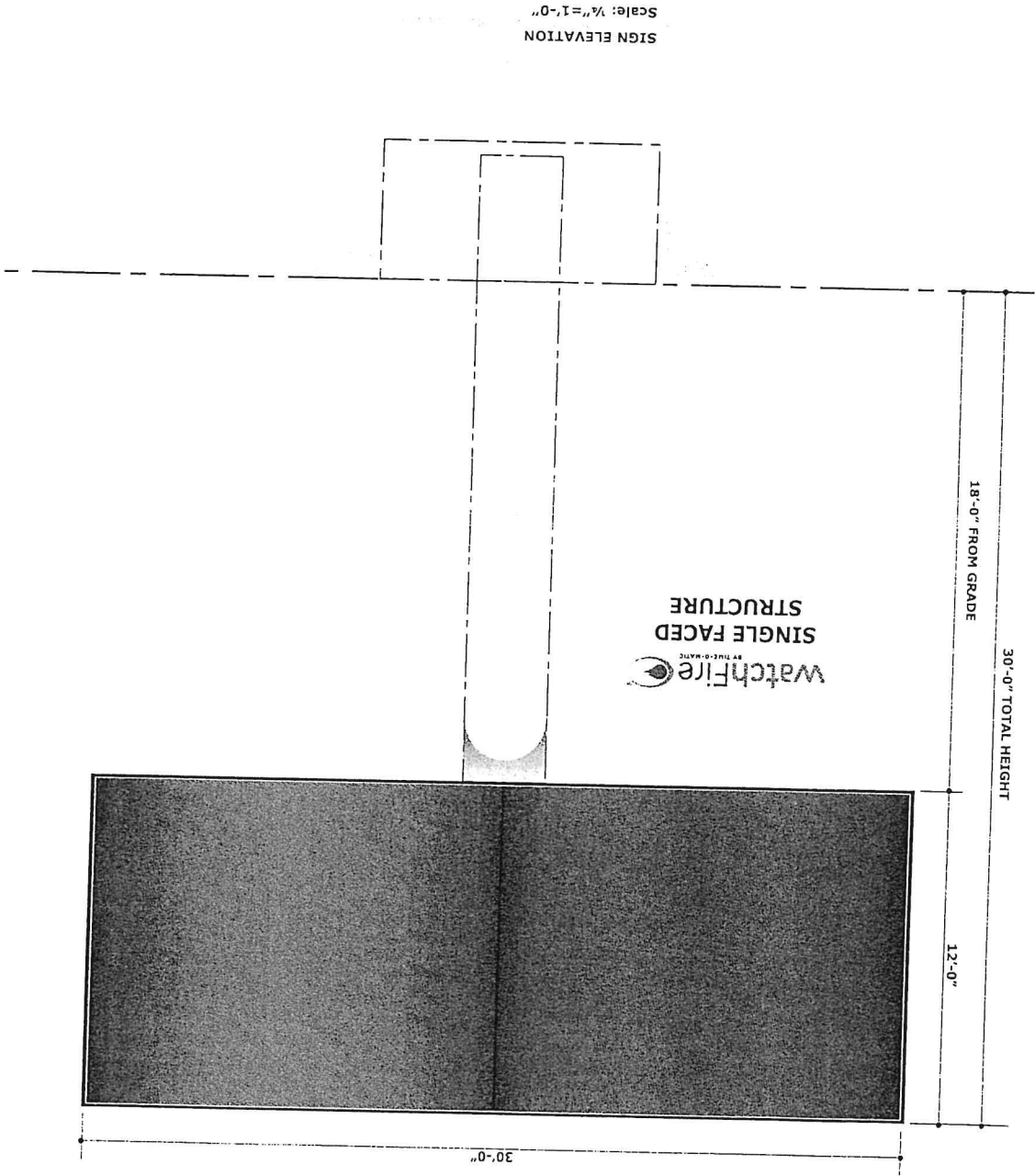
**Bartush  
Signs**

302 NORTH WASHINGTON ST.  
ORWIGSBURG, PENNSYLVANIA 17961  
PHONE 570-366-2311  
E-Mail: [signset@bartush.com](mailto:signset@bartush.com)  
Web Address: [www.bartush.com](http://www.bartush.com)

**Bartush Signs**  
 303 NORTH WASHINGTON ST.  
 COLUMBUS, PENNSYLVANIA 17061  
 PHONE 570-366-2311  
 E-MAIL: signs@bartush.com  
 WEB ADDRESS: WWW.BARTUSH.COM

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 Location: \_\_\_\_\_  
 Salesperson: MATT FREIWALD  
 Dwg. by: M.J.S.  
 Revised: 05-28-19  
 05-28-19



SIGN ELEVATION  
 Scale: 1/4"=1'-0"



## **ORDINANCE NO. 2019-06**

AN ORDINANCE OF POCONO TOWNSHIP AMENDING CODE OF THE TOWNSHIP OF POCONO BY ADOPTING A NEW "CHAPTER 220 GRADING; EROSION AND SEDIMENTATION CONTROL", CONTROLLING SOIL EROSION, SEDIMENTATION, AND GRADING; DETERMINING THE SCOPE, PURPOSE, AND DEFINITIONS THEREOF; ESTABLISHING GENERAL AND SPECIAL REQUIREMENTS THEREFORE; ESTABLISHING REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL PLANS, GRADING PLANS, PLAN REVIEW, FIRST FLOOR CERTIFICATION, AND GENERAL GRADING REQUIREMENTS; PROVIDING FOR PERMIT REQUIREMENTS AND EXEMPTIONS THEREFROM; MANDATING APPLICATION PROCEDURES AND PLAN SUBMISSIONS; ESTABLISHING STANDARDS FOR APPROVAL AND ISSUANCE OF PERMITS; REQUIRING INSPECTIONS AND ALLOCATING THE COST THEREOF; AUTHORIZING PERMIT FEES; PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

**IT IS HEREBY ORDAINED AND ENACTED** by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, as follows:

### **SECTION I            SHORT TITLE.**

This Ordinance shall be known and may be cited as the "Pocono Township Soil Erosion, Sedimentation, and Grading Control Ordinance," implementing Act 167 - Stormwater Management Act and under the authority of the First-Class Township Code and the Municipalities Planning Code, Articles V and VI.

### **SECTION II           FINDINGS AND PURPOSES.**

- A. Findings. In Pocono Township excessive quantities of soil are eroding from areas undergoing development for nonagricultural uses, such as housing developments, industrial sites, roads, and recreation areas. The washing, blowing and deposition of eroded soil across and upon roadways decreases visibility and reduces the traction of automobiles. This soil erosion necessitates the costly repair of gullies, washed out fills, roads, and embankments and causes the undermining of trees. The resulting sediment clogs storm sewers and muddies, pollutes, and silts streams, rivers, ponds, and lakes. The sediment is expensive to remove and limits the use of water for most beneficial purposes;



promotes the growth of undesirable aquatic weeds; and destroys fish and other desirable aquatic life. The sediment reduces the channel capacity of drainage ditches, streams, and rivers and thus, increases the likelihood of flooding and associated damages. It negatively impacts the quality of wetlands. All of these effects of soil erosion threaten the public health, safety, and welfare of the citizens of Pocono Township, as well as the general ecology of the Township.

- B. Purposes. The purpose of this Ordinance is to regulate the modification of the natural terrain, the alteration of drainage, and to provide for certain erosion and sediment control measures within Pocono Township to assure and safeguard health, safety, ecology and the general welfare in the Township.

### **SECTION III SCOPE AND APPLICABILITY**

From and after the effective date of this Ordinance, any subdivision and/or land development approved under the Township's Subdivision and Land Development Ordinance and Zoning Ordinance, or any activity requiring a permit under Section V. herein, shall be in conformity with this Ordinance. In the event of a conflict between this Ordinance and any other statute, or regulation, the strictest statute, or regulation shall take precedence. No nonexempt grading not complying with this Ordinance shall be performed.

### **SECTION IV DEFINITIONS.**

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted to have common English usage, to give effect to the purposes set forth in Section 11.B. above, and to provide reasonable application of this Ordinance. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**ALLUVIAL SOILS:** Soils, developed from transported and relatively recently deposited material (alluvium), characterized by a weak modification (or none) of the original material by soil-forming processes.

**BEDROCK:** The solid, undisturbed rock in place either at the ground surface or beneath surface soil deposits.

**BEST MANAGEMENT PRACTICES:** Procedures and measures pertaining to earth disturbances/construction activities that are intended to minimize water pollution; increase water quality; retain valuable topsoil; prevent erosion and sedimentation; and control rate of runoff from storm events.

**BORROW PIT:** An open pit from which soil is excavated as a single incident for use at a single construction site.

**CUT:** The removal of soil or rock from its natural or predevelopment location.

**DEVELOPMENT:** Any subdivision or land development or any alteration of land not for agricultural or conservation (as defined by the Monroe County Conservation District) purposes that includes earthmoving, cutting, filling or stripping, including but not limited to road construction, utility installation - public or private, residential, commercial or industrial facility construction, mining and quarrying and water resource management.

**EARTHMOVING:** Any activity by which soil or bedrock is cut into, quarried, displaced, relocated, or used as fill, but not including garden raking, hoeing, or routine plowing.

**EROSION:**

1. The wearing away of the soil, bedrock, and/or land surface by running water, wind, ice, chemical or other geological agents.
2. Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**EROSION AND SEDIMENT CONTROL PLAN:** A plan prepared by a Pennsylvania licensed engineer or registered architect indicating the specific measures and sequencing to be used in controlling sediment and erosion on a development site both during and after construction.

**EXISTING GRADE:** The vertical elevation of the ground surface prior to earthmoving.

**FILL:** A deposit of soil or other materials placed by people.

**FINISHED GRADE:** The final vertical elevation of the ground after development.

**GRADE:**

1. The slope of a road, channel, or natural ground.
2. The finished surface of a roadbed, top of embankment, or bottom of excavation; any surface prepared for the support of construction like paving or laying a conduit.
3. To finish the surface of a roadbed, top of embankment, or bottom of excavation.

**GRADING PERMIT:** The permit required to be issued prior to the disturbance of the topography and vegetation of land in connection with the conduct of activities regulated by this Ordinance.

**NATURAL GROUND SURFACE:** The ground surface in its original state before any earthmoving or stripping of vegetation.

**OPEN PIT MINING:** The continuing or recurring removal of material from below the ground surface by open excavation.

PARCEL: All contiguous land under single and separate ownership.

PERMANENT VEGETATION: Ground cover establishing a 90% vegetated cover to control soil erosion satisfactorily and to survive severe weather conditions.

PERMIT: A Grading Permit.

PERMITTEE: Any person to whom a Grading Permit is issued or to whom a site plan approval is granted.

PERSON: Any individual, corporation, partnership, joint venture, unincorporated association, municipal corporation or agency within the Commonwealth of Pennsylvania or any combination thereof.

RUNOFF (HYDRAULICS): That portion of irrigation water, rainfall, snowmelt, or other precipitation upon a drainage area or watershed that is discharged from the area in watercourses, sheet flows, absorption, etc. Types of runoff include surface runoff, groundwater runoff, and seepage.

SEDIMENT: Solid material, both mineral and organic, that is in suspension in; is being transported by; or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

SEDIMENTATION: The process by which sediment is deposited.

SITE: Any lot, parcel, or combination of contiguous lots or parcels of land under single and separate ownership where earthmoving, filling or stripping is, was, or will be performed.

SLOPE: Degree of deviation of a surface from the horizontal usually expressed in percent or degrees.

SOIL: All earth material of whatever origin that overlies bedrock.

SOIL DRAINAGE: A condition of the soil, referring to the frequency and duration of periods when the soil is free of saturation.

STRIPPING: Any activity which removes the vegetative surface cover, including tree removal; and the clearing and storage or removal of topsoil.

TEMPORARY STREAM CROSSING: A temporary structural span installed across a flowing watercourse for use by construction traffic. Such structures include, but are not limited to, bridges, round pipes and pipe arches and must meet all local, county, state, and federal requirements.

**TOPOGRAPHY:** The physical features of a site, place or region.

**TOPSOIL:** The top six to ten inches of soil or the depth to which the soil is plowed or cultivated. Topsoil quality may be determined by soil testing, and soil composition shall be within the following ranges: Sand - 40% to 60%, Silt - 25% to 60%, Clay - 5% to 20%.

**TOWNSHIP:** The Township of Pocono.

**TOWNSHIP CODE OFFICIAL:** The person designated by the Township to administer and enforce this Ordinance.

**VEGETATION:** The plants located on a site or in an area or region.

**WATERCOURSE:** Any natural or artificial river, stream, swale, channel, gully, ravine, drain or culvert in which waters flow continuously or intermittently after a rain event, having a defined bed and banks.

## **SECTION V            GRADING PERMIT.**

**A.**     The following activities or conditions require a Grading Permit:

1.     Modifying, disturbing, blocking, diverting or otherwise adversely affecting the natural overland or subsurface flow of water.
2.     Construction, erection, or installation of any drainage dam, ditch, culvert, drainpipe, bridge or any other structure or obstruction affecting the drainage of any parcel.
3.     Paving, cutting, filling, stripping, excavating, grading or regrading of any parcel unless specifically exempted by Subsection B. below.
4.     Disturbing the natural ground surface, soil, or vegetation upon any parcel in excess of the following limits:

As determined by the owner, disturbance in excess of each of the following three areas on each site, 0%-3% sloped areas, 3%-8% sloped areas, and areas of 8% slope or greater.

A	B	C	D	
Area of parcel (slopes)	Maximum exempt disturbance (s.f.)	Proposed area of disturbance (s.f.)	Is Column "C" more than Column "B"?	
0% to 3%	5,000			If the answer for any block of Column "D" is "Yes", then a grading permit is required.
3% to 8%	2,500			
8% or more	1,000			

5. Any existing, man-made condition as identified by the Township Code Official, which allows or causes uncontrolled/or unmanaged stormwater runoff creating erosion and deposit of sediment onto adjacent properties, or into downstream stormwater conveyance facilities, watercourses, or bodies of water.
- B. Notwithstanding Section V (A), the following activities require no Grading Permit; however, approval of an E&S plan by the Monroe County Conservation District may be required prior to other permits being issued:
1. Minor improvements, such as the erection of fencing; driveway paving; and minor regrading.
  2. Gardening for home consumption or personal use on any parcel, or lawn restoration up to one (1) acre on any parcel.
  3. Agricultural operations operated in accordance with a conservation plan or erosion and sedimentation control plan found adequate and approved in writing by the Monroe County Conservation District.
  4. Forest Management operations that (1) follow guidelines established by the Department of Environmental Protection in "Soil Erosion and Sedimentation Control Guidelines for Forestry"; that (2) are operating under an erosion and sedimentation control plan approved by the Monroe County Conservation District; and (3) that comply with the Township Zoning Ordinance and Subdivision and Land Development Ordinance.
  5. Earthmoving or stripping activities incident to construction of individual wells or sewage disposal systems and less than 1,000 square feet in extent.
  6. Any emergency activity immediately necessary for the protection of life, property, or natural resources.
- C. Application for Grading Permit.
1. Any person proposing to engage in an activity requiring a Grading Permit shall apply by submitting a prepared Grading Permit Application. See Appendix "A" for form.

2. The Grading Permit Application shall be accompanied by a fee established in the Township's Schedule of Fees.
3. All Applications must be accompanied by an Erosion and Sediment Control Plan as described in Section VI below.
4. All Applications filed regarding any grading activities on any commercial, industrial, and/or institutional lot; on any residential lot where earthmoving activities in excess of 1,000 square feet are proposed; or where, in the opinion of the Township Code Official, the lot features such as slope, soils, or other natural resources require special consideration of the earthmoving activities shall be accompanied by a Grading Plan as provided in Section VII below.
5. A separate Application shall be required for each grading project.

D. Issuance of Permits.

Upon the approval of all of the required plans and/or applications by the appropriate Township official/employee, the Township Code Official shall issue the necessary Grading Permit(s). No Grading Permit shall be issued until all the plans and applications required to be submitted by this Ordinance for all the proposed grading activities have been reviewed and approved by the appropriate Township official/employee as set forth in this Ordinance.

E. Standards for Issuance of Grading Permit.

1. Notwithstanding any provision of this Ordinance or any condition of the Grading Permit, the Permittee is responsible for the prevention of damage to other people or property that may be affected by the earthmoving or stripping activity.
2. No permit standards shall modify, cut, fill, excavate, pave, strip, grade, or regrade land in any manner that endangers or damages any adjoining street, alley, or any other public or private property. Any earthmoving activity conducted adjacent to a property or street line shall support and protect the adjoining property from settling, cracking, erosion, sediment, flooding, or any other physical damage or personal injury that might result.
3. No permit standards shall deposit, place, throw, or cause to be deposited, placed or thrown any debris or other material in any drainage structure or watercourse so as to obstruct the free flow of water.
4. No person, firm, or corporation shall fail to adequately maintain, in

good operating order, any drainage facility on the site. All drainage ditches, culverts, drain pipes, drainage structures, and watercourses shall be kept open and free flowing at all times.

5. The owner of any property upon which any work has been done pursuant to a Grading Permit granted under this Ordinance shall continuously maintain and repair all graded surfaces, anti-erosion devices, retaining walls, drainage structures, and other protective devices, plantings and ground cover, installed or completed
6. All graded surfaces shall be permanently seeded, sodded, planted, and/or otherwise protected from erosion immediately upon completion of the earthmoving activities upon that surface, weather permitting, and shall be tended and/or maintained until growth is well established. The disturbed area and duration of exposure shall be kept to a minimum using temporary erosion and sediment control measures immediately, as outlined in the Pennsylvania Department of Environmental Protection "Erosion and Sediment Pollution Control Program Manual", and "Pennsylvania Stormwater Best Management Practices Manual", each as amended.
7. All trees in an area of extreme grade change, as determined by the Township, shall be protected with suitable tree wells, unless the necessity for removal is established. Precautions shall be taken to prevent the unnecessary removal of trees. Any grading around trees or any removal of trees must comply with the Township's Zoning Ordinance and Subdivision and Land Development Ordinance.
8. The Permittee shall provide adequate provisions for dust control measures. Any such measures must be deemed acceptable by the Township Engineer.
9. All plans and specifications submitted for a Grading Permit shall include adequate provisions for both interim (temporary) and ultimate (permanent) erosion and sediment control. The design, installation and maintenance of erosion and sediment control measures shall be accomplished in accordance with standards and specifications established by the Monroe County Soil Conservation District as adopted from standards and specifications of the United States Soil Conservation Service, and as outlined in the "Erosion and Sediment Control Handbook, Monroe County, Pennsylvania."
10. In connection with site grading for roads, driveways, building areas or other site improvements, the lateral extent of cut or fill areas shall not be a) more than 30 feet beyond the top of slope in fills or the toe of slope in cuts or b) extend closer than 50 feet to the bank of any watercourse, lake, pond, or wetland, or as permitted by any other Township ordinance.



11. Wherever fill material is to be used, the person, firm, or corporation using such fill shall be responsible for testing to determine its dry density as per ASTM D1556. The density of each layer shall be not less than 95% of maximum density as determined by ASTM D1557.
  - a. Inspection procedure shall follow the general procedure as stated in Section X below.
  - b. Compaction test reports shall be kept on file at the site and be subject to review at all times.
  - c. Degree of compaction required shall be determined by the Township Engineer following the guidelines listed in this Section.
12. If load-bearing fill is proposed to show that stable soil condition and groundwater flow can be maintained, a soils investigation report shall be submitted which shall consist of test borings, laboratory testing and engineering analysis to correlate surface and subsurface conditions with the proposed Grading Plan. The report shall include data regarding the nature, distribution and supporting ability of existing soils and rocks on the site, conclusions and recommendations to ensure stable soil conditions and groundwater control, as applicable. The Township may require such supplemental reports and data as is deemed necessary by the Township Engineer.

F. All Permits shall require the Permittee to:

1. Notify the Township Code Official at least 48 hours prior to commencing any earthmoving or stripping activity;
2. Notify the Township Code Official of completion of any control measures within three (3) days after their installation;
3. Obtain approval from the Township in accordance with Section XIV of this Ordinance prior to modifying the Erosion and Sedimentation Control Plan;
4. Install all control measures as identified in the approved Erosion and Sedimentation Control Plan prior to starting any earthmoving activities;
5. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the Erosion and Sedimentation Control Plan;
6. Repair any siltation or erosion damage to adjoining properties, surfaces, and drainage ways resulting from earthmoving or stripping;



7. Inspect the erosion and sedimentation control measures immediately after each rain of 0.5 inches or more and at least once each week and make needed repairs;
8. Allow the Township Code Official or Engineer to enter the site for the purpose of inspecting compliance with the Erosion and Sedimentation Control Plan or for performing any work necessary to bring the site into compliance with the Erosion and Sedimentation Control Plan;
9. Keep a copy of the Erosion and Sedimentation Control Plan on the site;
10. If any problem (s) occurs, provide, until the problem is corrected, additional stabilizing measures to slopes that, in the judgment of the Township Engineer, are found to be eroding excessively within one (1) year of construction. Once such slopes are stabilized by the additional measures, the Permittee is responsible for providing further additional stabilizing measures if the slopes continue to erode.

## **SECTION VI EROSION AND SEDIMENTATION CONTROL PLAN**

An Erosion and Sedimentation Control Plan shall be submitted with all Grading Permit Applications. The Erosion and Sedimentation Control Plan shall contain plans which show that the erosion and sediment resulting from the earthmoving and stripping activities will be controlled. Any proposed erosion and sedimentation control measures to be used during construction shall strictly conform to the standards and specifications of the Monroe County Conservation District and Township Ordinances.

- A. An Erosion and Sedimentation Control Plan shall include the following:
  1. The extent of site alteration proposed and all proposed erosion and sedimentation control measures.
  2. A construction schedule indicating the anticipated starting and completion dates of the development sequence; the expected date of completion of construction of each protective measure provided for in the Erosion and Sediment Control Plan and the Stormwater Management Plan; the sequence of earthmoving activities; and the time of exposure of each area prior to completion of such measures.
  3. Provisions for maintenance of control facilities, including operation and maintenance agreements, easements, and estimates of the cost of maintenance.
  4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilize application, and

kind and quantity of mulching for both temporary and permanent vegetative control measures.

5. Identification of the person(s) or entity(ies) which have legal and/or bonded responsibility (as may be required by Sections XI and/or XII of this Ordinance) for maintenance of the erosion and sedimentation control structures and measures after development is completed.

B. Any Erosion and Sedimentation Control Plan shall incorporate the following erosion and sediment control practices and principles:

1. Development shall reflect the topography and soils of the site so as to create the least potential for erosion. The smallest practical area of land shall be exposed for the shortest practical time during development.
2. Stripping of vegetation, regrading, or other earthmoving activities shall be completed in a way that will minimize erosion and resulting sedimentation. Wherever feasible, natural vegetation shall be retained, protected, and supplemented.
3. Cut and fill operations shall be kept to a minimum. In the design of cut and fill slopes, consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible. Where unavoidable, cuts and fills on steep slopes must be immediately seeded, and natural contours must be followed as closely as possible.
4. The disturbed earthen area and the duration of exposure shall be kept to a practical minimum. All disturbed soils and topsoil stockpile areas shall be stabilized as quickly as possible and, if necessary, seeded and mulched immediately. Any stockpile areas located on sloping ground or near Waters of the Commonwealth shall be enclosed with silt fencing.
5. Procedures for protecting soils or geologic structures with water supply potential from contamination by surface water or other disruption by earthmoving activity must be established to the satisfaction of the Township.
6. The sale of topsoil and/or removal of topsoil from a project is prohibited unless the Applicant demonstrates sufficient suitable topsoil will remain to cover all disturbed areas to a depth of 6 inches at the conclusion of the project. All plans required under this ordinance shall specify a designated area to receive topsoil for temporary storage which is removed from a project area and which

will be returned to site and used to final grade the project area.

7. Sediment basins, debris basins, desilting basins, silt traps or filters shall be installed and maintained to remove sediment from runoff waters from land undergoing development. All runoff from the site shall be collected and diverted to these facilities for the removal of sediment. Sedimentation in the runoff water shall be trapped and filtered by these facilities until the disturbed area is stabilized to the satisfaction of the Township.
8. All plans, wherein a sump pump or basement drain is proposed to be installed, shall provide for discharge of the sump pump/drain to a natural watercourse, drainage swale, stormwater easement, storm sewer system, or open space area. No sump pump or basement drain discharge shall be permitted to a grassed lawn area of residential or non-residential buildings, unless such area is part of a stormwater easement or drainage swale.
9. Provisions shall be made to minimize any runoff caused by changed soil and surface conditions during and after development. All drainage facilities shall be designed to carry surface water in such a manner as to prevent erosion or overflow. Drainage facilities shall be designed and constructed to withstand the expected velocity of flow from a ten-year frequency storm without erosion. Stabilization adequate to prevent erosion must also be provided at the outlets of all pipes and paved channels.
10. Natural vegetation shall be retained, protected, and supplemented wherever possible. Permanent vegetation shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation and related structures shall be installed as soon as practical. Permanent vegetation shall not be considered established until a ground cover is achieved that is mature enough to control the soil erosion satisfactorily and to survive severe weather conditions to the Township Engineer's satisfaction.
11. Permanent or temporary soil stabilization must be applied to stripped areas within one day after final grade is reached on any portion of the site. Soil stabilization must also be applied immediately to denuded areas which may not be at final grade but will remain dormant (undisturbed) for longer than one (1) day.
12. Properties adjacent to the site of a land-disturbing activity shall be protected from sediment disposition by preserving a well-vegetated buffer strip around the lower perimeter of the land-disturbing activity; by installing perimeter controls such as sediment barriers; filters, dikes, interceptor drains or sediment basins; or by a

combination of such measures.

- a. Vegetated buffer strips may not be used along except where only runoff in sheet flow is expected.
  - b. Buffer strips shall be at least 20 feet in width and shall contain pre-existing, permanent vegetation, excluding trees and shrubs, that covers 95% of the ground within the buffer strip.
  - c. If at any time, the Township Engineer finds that a vegetated buffer strip alone is ineffective in preventing sediment movement onto adjacent property, additional perimeter controls must be provided by the Permittee or then owner of the property within a time period specified by the Township Engineer.
13. In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance shall be considered.
- C. The selection of erosion and sedimentation control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, on an evaluation of the risks, costs and benefits involved and in accordance with Best Management Practices.

## **SECTION VII GRADING PLANS.**

All applications filed for permits involving earthmoving and/or stripping activities on any commercial, industrial, and/or institutional lot; or on any residential lot where earthmoving and/or stripping activities in excess of 1,000 square feet are proposed; or where, determined by of the Township Code Official, the lot features such as slope, soils, or other natural resources require special consideration of the on-lot earthmoving and/or stripping activities shall be accompanied by a Grading Plan providing the following information:

- A. A Site Plan (plot plan) drawn at a suitable scale of not less than 1 inch equals 50 feet and contour intervals of no more than one (1) foot prepared by a Registered Professional Land Surveyor or Engineer, licensed in the Commonwealth of Pennsylvania showing all of the following:
  1. A valid boundary line survey of the site including lot lines, monuments/pins/markers, and setback lines; existing and proposed contours; existing vegetation; soil types and conditions; watercourses; affected watersheds; and other natural features.
  2. Erosion and sedimentation control measures, high points, drainage

arrows, drainage swales, and the limits of disturbance.

3. Existing and proposed features surrounding the site that are of importance to the proposed development.
  4. First floor and garage elevations.
  5. Existing and proposed building/structure locations, wells, wastewater treatment systems, sanitary laterals, water supply pipes, storm sewers, inlets, manholes, basement drains, sump pump drains, utility boxes, walls, fences, berms, underground utilities, and all other man-made structures/features.
  6. Elevations at lot corners, and exterior grade at each corner of each building.
  7. All earthmoving and stripping changes to the site, including cuts, fills, structures, paving, utilities, vegetation and topsoil proposed to be stripped, and cut/fill balance.
  8. North arrow.
  9. Street trees and existing trees to be removed.
  10. Driveway openings and slopes, driveway turnarounds and parking areas, depressed curb length, and driveway configurations from garage or parking area to street.
  11. Sidewalk and bikeway locations.
  12. Easements, covenants, equitable servitudes, and deed restrictions.
- B. A Stormwater Management Plan prepared in accordance with Pocono Township Stormwater Management Ordinance.
- C. A statement, signed and sealed by a Registered Professional Land Surveyor or Engineer, licensed in the Commonwealth of Pennsylvania indicating that, to the best of his/her knowledge and belief, the proposed grading activities shall not significantly increase stormwater runoff to, and/or otherwise adversely impact, downstream properties except as may be part of an approved stormwater runoff collection and management plan.

## **SECTION VIII          GENERAL GRADING REQUIREMENTS.**

All earthmoving and/or stripping activities and/or building construction wherein stripping, excavation, placement of fill, and/or grading activities are performed shall conform to the following general requirements:

- A. All erosion and sedimentation control measures shall be installed per the approved plan prior to any earthmoving and/or stripping activities.
  - 1. Earthen structures such as dams, dikes and diversions must be seeded and mulched immediately after installation.
  - 2. All stormwater management basins shall be constructed, functional, and stabilized prior to any additional site activity. An as-built plan of the facility prepared by a Registered Professional Land Surveyor or Engineer, licensed in the Commonwealth of Pennsylvania, shall be submitted to the Township for review to verify adequate stage/storage capacity prior to commencement of other site activity.
  - 3. All temporary and permanent erosion and sedimentation control measures must be maintained and repaired as needed to assure continued performance of their intended functions.
  - 4. Each and every person, corporation, or other entity performing grading and/or building activities shall be responsible for installing and maintaining erosion and sedimentation control measures until the site is stabilized to the satisfaction of the Township.
- B. No excavation or fill shall be made with a slope steeper than 3 horizontal to 1 vertical.
- C. Edges of newly created slopes shall be a minimum of five (5) feet from property lines; ultimate/future right-of-way lines of streets; and easements to permit the normal rounding of the edge without encroachment on the abutting property, right-of-way, or easement.
- D. All lots, tracts, or parcels shall be graded to provide positive drainage away from buildings and dispose of it without ponding, except where ponding (detention basins, swales, etc.) is part of the stormwater management plan for the site.
- E. In no case shall grading be completed in such a manner as to divert water onto the property of another landowner unless part of a stormwater management plan.



- F. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or perform any work that will affect the normal or flood flow in any watercourse without having obtained prior approval from the Township and/or Department of Environmental Protection, whichever is applicable.
- G. Each person, corporation, or other entity that makes any surface changes to the site shall be required to:
  - 1. Collect on-site surface runoff and control it to a point of discharge into the natural drainage area watercourse, stormwater easement, or storm sewer system.
  - 2. Control existing off-site runoff draining through the property by designing it to discharge to the watercourse of the drainage area, stormwater easement, or storm sewer system.
  - 3. Ensure that all on-site and off-site runoff which is substantially altered is collected and diverted to sediment basins, debris basins, desilting basins, silt traps or filters for the removal of sediment until all disturbed areas are stabilized to the satisfaction of the Township.
- H. Adequate provision shall be made to prevent surface water from damaging the cut face of excavation and the sloping surfaces of fills.
- I. Concentration of surface water runoff shall be permitted only in watercourses or detention basins. All drainage facilities shall be constructed to carry surface water in such a manner as to prevent erosion or overflow. All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- J. Construction vehicles are to be kept out of watercourses, wetlands, and other bodies of water. Where in-channel work is necessary, permits from regulatory agencies must be secured and provided to the Township and precautions must be taken to stabilize the work area during construction to minimize erosion. The channel, including bed and banks, must be restabilized immediately after in-channel work is completed.
- K. Where a watercourse must be crossed by construction vehicles during construction, a temporary stream crossing shall be provided.
- L. Sediment barriers shall be properly installed with silt fencing trenched and hay bales staked.

- M. During all earthmoving and/or stripping operations, necessary measures for dust control shall be exercised.
- N. Wherever construction vehicle access routes intersect paved public streets, provisions shall be made to minimize the transport of sediment (mud) onto the paved surfaces by runoff or vehicle tracking, including but not limited to, the installation of tire cleaning areas at each point of access to the site. These tire cleaning areas shall be constructed of AASHTO #1 stone, and each shall be at least 50 feet in length. Where sediment is transported onto a public street, the responsible person shall clean the street immediately. Sediment shall be removed from roads by shoveling or sweeping and then transported to a sediment control area.
- O. With the exception of necessary steps required for initial site access to commence work, no grading equipment shall be permitted to be loaded, unloaded, or stored on a public street. No grading equipment shall be permitted to travel on or across a public street unless licensed for operation on public thoroughfares.
- P. The construction of underground utility lines involving installation, maintenance or repair that disturbs more than 1,000 square feet shall be subject to the following criteria:
1. No more than 500 continuous feet of trench is to be opened at one time.
  2. Where consistent with safety and space considerations, excavated material is to be placed on the uphill side of trenches.
  3. Trench dewatering devices shall discharge in a manner that will not adversely affect flowing streams, drainage systems or off-site property.

Individual service connections, telephone and electric lines and underground public utility lines under existing hard-surfaced roads, streets or sidewalks are exempt from the above requirements, provided that such land-disturbing activity is confined to the area which is hard- surfaced.

- Q. All temporary erosion and sediment control measures shall be disposed of within 30 days after final site stabilization is achieved, unless otherwise authorized by the Township Engineer. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
- R. Before granting occupancy permits for buildings, building lots shall be finish graded so that drainage will not be concentrated onto adjacent lots. Building lots



must also be seeded or mulched. Unless it is not possible to establish lawns due to the season of the year. If so, or if exposed areas will result in excess runoff onto adjoining properties because of the lack of ground cover, the Township may require extra mulching, the installation of silt barriers, and/or the construction of temporary sedimentation basins to control excess runoff, in addition to a vegetation escrow to secure establishment of ground cover.

- S. First Floor Certifications. Construction of any structure requiring a Grading Plan under this Ordinance shall not continue past the foundation stage until the owner/builder has submitted certification that the first floor and garage floor elevations of the proposed structure conforms to the Plans submitted with the Grading Permit Application. The certification shall be submitted to the Township Code Official on a form approved by the Township and shall be signed and sealed by the responsible Registered Professional Land Surveyor or Engineer, licensed in the Commonwealth of Pennsylvania. See Appendix "B".

## **SECTION IX PLAN REVIEW.**

- A. All Plans prepared in conjunction with a Grading Permit Application shall conform to the approved subdivision and/or land development plan for the site.
- B. The Plans prepared in conjunction with an application for a Grading Permit for a parcel greater than 100,000 square feet in area; and all commercial, institutional, and industrial applications shall be referred to the Township Engineer for review. For all other applications, the Plans shall be reviewed by the Township Code Official and/or Township Engineer.
- C. If after reviewing an application should the Township Code Official find the proposed grading activities do not conform to previously approved subdivision and/or land development plans, the revised application and Plans shall be referred to the Township Engineer for review.

## **SECTION X INSPECTIONS.**

- A. The Township Engineer or Code Official shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the Permittee in what manner or manners, if any, the work fails to comply with the Grading Plan or the Erosion and Sedimentation Control Plan, as approved. All plans, reports, and schedules required by and approved under this Ordinance shall be maintained at the site during progress of the work.
  - 1. To obtain inspections, the Permittee shall notify the Township Engineer or Code Official at least three (3) working days before completion of:

- a. Stripping and clearing.
    - b. Rough grading.
    - c. Final grading.
    - d. Final landscaping.
  2. If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the Permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area.
- B. The Permittee shall make regular inspections of all erosion and sedimentation control measures in accordance with the inspection schedule outlined on the approved Erosion and Sedimentation Control Plan. The purpose of such inspection will be to determine the condition and need for replacement or repair of in-place control measures; the overall effectiveness of the Plan; and the need for additional control measures.
1. All inspections shall be documented in written form and submitted to the Township Engineer at the time interval specified in the Erosion and Sedimentation Control Plan.
- C. All applications which are required to prepare a Grading Plan in accordance with Section VII., shall prepare a complete set of "as-built" plans prepared by a licensed surveyor or engineer and submitted to the Township for review and approval prior to issuance of any use or occupancy permits. In the event that site grading does not conform to the approved site plans, no use and occupancy permits for the structure constructed pursuant to the building permit shall be permitted until the final grading is approved by the Township.
- D. A final inspection shall be conducted by the Township Engineer to certify compliance with this Ordinance. Satisfactory compliance with this Ordinance shall be necessary before issuance of a Use and Occupancy Permit.
- E. The Permittee shall bear all costs of inspections required or permitted hereunder and shall deposit with the Township such sum as the Board of Commissioners shall determine, to guarantee payment of the costs of such inspections. The costs of inspections shall be in accordance with the established schedule of fees and collection procedure for matters pertaining to this Ordinance.

## **SECTION XI            RESPONSIBILITY.**

The Permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Township or its officials will not be made liable for this damage, by:

- A.     The issuance of a Grading Permit in accordance with this Ordinance or other applicable laws;
- B.     Compliance with the provisions of a Permit or with conditions attached to it;
- C.     Failure of Township officials to observe or recognize hazardous or unsightly conditions;
- D.     Failure of Township officials to deny or to recommend denial of a Permit; or
- E.     Exceptions from the requirements of this Ordinance.

## **SECTION XII          FINANCIAL SECURITY.**

Before the issuance of a Grading Permit for a project that exceeds one (1) acre in area of disturbance, the Applicant shall deposit with the Township financial security in an amount sufficient to cover the cost of all erosion and sedimentation control measures and other conditions specified in the Permit within the time specified by this Ordinance, or within any extension thereof granted by the Township Engineer. The amount of such financial security shall be equal to 110% of the cost of the work for which the security has been provided. The form of financial security, the method of cost calculation and the release of the posted security shall be in conformity with those provisions set forth in the Township Subdivision and Land Development Ordinance with respect to public improvement financial security.

## **SECTION XIII        PERMIT EXPIRATION AND RENEWAL.**

Every Grading Permit issued hereunder shall expire at the end of six (6) months from the date of issuance. The Permittee shall fully perform and complete all of the work required to be done within the time limit specified in the Permit. If the Permittee shall be unable to complete the work within the specified time, he shall, within 30 days prior to expiration of the Permit, present in writing to the Township, a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the discretion of the Township Engineer, such an extension is warranted, the Engineer may grant additional time for the completion of the work. Where the Township Engineer determines that the extension of time will require a substantial modification of the Erosion and Sedimentation Control Plan and/or Grading Plan, any extension of a Permit shall be subject to approval of such revised plans in accordance with the applicable procedure of this Ordinance.

#### **SECTION XIV        AMENDMENT OF PLANS AND ADDITIONAL CONDITIONS.**

- A. Amendments to the Erosion and Sedimentation Control Plan or Grading Plan shall be submitted to the Township and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Township Engineer and/or Code Official by written authorization to the Permittee.
- B. If at any stage of the earthmoving and/or stripping activities, the Township determines by inspection that the nature of the site is such that further work authorized by an existing Grading Permit is likely to imperil any property, public way, watercourse or drainage structure, the Township Engineer may require, as a condition of allowing the work to continue, reasonable special precautions be taken to avoid the likelihood of such peril. Special precautions may include, but shall not be limited to, a more level exposed slope; construction of additional drainage facilities; berms; terracing; compaction; cribbing; installation of plant materials for erosion control; and/or recommendations of a registered soils engineer and/or engineering geologist regarding requirements for further work.
- C. Where it appears that storm damage may result from incomplete grading of any site, work may be stopped, and the Permittee required to install temporary structures or take such other measures as may be necessary to protect adjoining property or public safety. On a site of at least one (1) acre or where unusual site conditions prevail, and on all stream crossing projects, the Township Engineer may specify the time of start of grading and time of completion or may require that the operations be conducted in specific stages to ensure completion of protective measures prior to the advent of seasonal rains.

#### **SECTION XV        VIOLATIONS.**

- A. Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance shall be issued an enforcement notice and fined Fifty Dollars (\$50.00) for the first offense, and One Hundred and Fifty Dollars (\$150.00) for each offense thereafter. If said fine is not paid and the project is not brought in compliance within ten (10) days after the issuance of the enforcement notice, then, upon commencement of an action before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, and conviction thereof, the person, firm or corporation violating any provision of this Ordinance shall be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), nor less than Five Hundred Dollars (\$500.00) per violation, plus all court costs, including reasonable attorneys' fees incurred as a result of the prosecution, and in default of payment, be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day that a violation of this Ordinance continues, shall constitute a separate offense.

- B. **Remedy of Violation.** In addition to the penalties as set forth in Subsection A. above, any property subjected to earthmoving or stripping activities performed in violation of this Ordinance shall be restored to its previous condition, including replacement of excavated earth, removal of illegally placed fill, and restoration of grades and planting. In order to enforce this Section, the Township Solicitor may seek injunctive relief in accordance with the rules of civil procedure.
- C. **Revocation or Suspension of Permit.** Any Permit issued under this Ordinance, including those issued through approval of subdivision and land development plans, may be revoked or suspended by the Board of Commissioners, after notice to the Permittee for:
1. Failure to carry out the erosion and sedimentation control measures described in the Application and/or accompanying plans at the times specified in the Erosion and Sedimentation Control Plan's construction schedule or within any extension that may be granted by the Township.
  2. Violation of any other condition of the Grading Permit.
  3. Failure to carry out the erosion and sedimentation control measures described in the application and/or accompanying plans in a reasonable and workmanlike manner.
  4. Violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the earthmoving and/or stripping activities.
  5. The existence of any condition or the doing of any acts constituting or creating a nuisance, hazard or endangering human life or the property of others, including, without limitation, the discharge of sediments from the site or the failure of the control to prevent accelerated erosion or waterborne sediment from leaving the site of construction.
- D. **Nonconforming Work.** If at any stage of construction, the earthmoving and/or stripping activities do not conform to the Grading Permit; to the attached conditions; to the accompanying plans and specifications, including modifications thereof; or for any violation of this Ordinance, a written Notice to Comply shall be given to the Permittee. Such notice shall set forth the nature of corrections required and the time within which corrections shall be made.
1. Upon failure to comply within the time specified, the Permittee shall be considered in violation of this Ordinance and shall be subject to the following penalties and sanctions:

- a. The Township, upon recommendation of the Township Engineer, may revoke or suspend the subdivision and land development approval pursuant to which the work is being done, thereby prohibiting the conveyance of any lot in the subdivision.
  - b. The revocation of any building permit issued to the offending Permittee that has been issued pursuant to the Grading Permit and accompanying plans.
  - c. A prohibition on the issuance of any further building permits for any lots.
  - d. The financial security, if any, shall be forfeited and penalties shall be imposed under Subsection A. above.
2. The above-referenced sanctions shall be specified in the Notice to Comply provided above. Any and all remedies are cumulative, and the exercise of one shall not prohibit the exercise of any other remedies contained in either this Subsection, this Ordinance, or other applicable ordinances.
3. In the case of any paving, filling, stripping, grading or regrading; any disturbing, modifying, blocking or diverting the natural overland subsurface flow of stormwater; or any construction, erection and installation of any dam, ditch, culvert, drainpipe, bridge or any other structure or obstruction affecting the drainage of any parcel in violation of this Ordinance or any regulations made pursuant thereto, the proper Township authorities, in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent such unlawful activity; to restrain, correct or abate such violation; to prevent the use of the applicable premises; or to prevent any illegal act, conduct, business or use in or about such premises. In addition, upon the failure of any Permittee to complete the control measures specified in the Application, the Township may, after revoking such permit, proceed to complete such measures itself and recover the cost thereof from the Permittee or its surety.

## **SECTION XVI      EXCEPTIONS TO REQUIREMENTS.**

If compliance with this Ordinance imposes severe hardship upon the applicant (i.e., the applicant cannot develop the property as zoned), he may apply to the Township for relief, which if granted, shall be the minimum necessary to permit reasonable use of the site. Endeavoring to obtain approval for as many units as possible shall not be considered a determining factor in the



Township's evaluation of whether there is a severe hardship. The Board of Commissioners may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Ordinance:

- A. Application for any exception shall be made by a verified petition of the applicant, stating fully the grounds of the petition and the facts relied upon the applicant. Such petition shall be filed with the Grading Permit Application. In order for the petition to be granted, it shall be necessary that the Board of Commissioners find all the following facts with respect to the land referred to in the petition:
  - 1. That the site is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record that is impossible or impractical for the applicant to comply with all the requirements of this Ordinance;
  - 2. That the exception is necessary to prevent unreasonable and unnecessary hardship;
  - 3. That such unnecessary hardship was not created by applicant;
  - 4. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property; and
  - 5. That the exception, if granted, will represent the minimum exception necessary to afford relief to the applicant.

#### **SECTION XVII REPEALER.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

#### **SECTION XVIII SEVERABILITY.**

If any sentence, clause, section or part of this Ordinance fs for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect *or* impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Pocono Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION XIX      EFFECTIVE DATE.**

This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED by the Pocono Township Board of Commissioners this 16<sup>th</sup> day of September 2019.

ATTEST:

Pocono Township Board of Commissioners

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Donna M. Asure  
Assist. Secretary

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Gerald J. Lastowski, President



## **Appendix B**

### **Certification**

I hereby certify that the first-floor elevation of the structure (and garage if relevant) as shown on the foundation as-built plan was determined by field survey performed under my direct supervision.

Seal \_\_\_\_\_

Signature \_\_\_\_\_

Professional Engineer or Professional Land Surveyor

**ORDINANCE NO. 2019 - 07**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF POCONO, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE CODE OF ORDINANCES BY CREATING A NEW CHAPTER 302, TRANSIENT DWELLING USE OF SINGLE-FAMILY DWELLINGS, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.**

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, as follows:

**SECTION 1:** The Commissioners of Pocono Township, Monroe County, Pennsylvania, under the power vested in them by the “First Class Township Code”, as well as other laws of the Commonwealth of Pennsylvania, do hereby ordain and enact the following amendment to the Pocono Township Codified Ordinance, as amended, by creating a new Chapter 302, to be known as “Transient Dwelling Use of Single Family Dwellings.”

**SECTION 2:** Chapter 302, Transient Dwelling Use of Single-Family Dwellings, Section 302-1 Short Title to read as follows:

***Section 302-1 Short Title.*** This Ordinance shall be known as “The Transient Dwelling Use of Single-Family Dwellings Ordinance of Pocono Township, Monroe County, Pennsylvania (the “Township”).”

**SECTION 3.** Chapter 302, Transient Dwelling Use of Single-Family Dwellings, Section 302-2 Scope to read as follows:

***“Section 302-2 Scope.***

- A. The provisions of this Chapter shall apply to all residential Dwelling Units, conversion of nonresidential structures to residential dwellings, and all existing premises within only the Commercial District and the Recreational District established by Chapter 470, the Township’s Zoning Code. The owner of the subject property shall be responsible for compliance with the provisions of this Chapter and the failure of

an owner, Person in Charge, or renting occupants to comply with the provisions of this Chapter shall be deemed noncompliance by the owner.

- B. This Chapter shall not apply to a hotel/motel/inn, bed and breakfast, boarding house, or group home, when the property owner or a representative, is present on-site at the property on a 24 hour/day basis.”

**SECTION 4.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings, Section 302-3 Interpretation to read as follows:

“***Section 302-3 Interpretation.*** This Chapter is not intended to, and does not, excuse any landowner from compliance with the Township Zoning Ordinance, as amended from time to time. Whenever possible, this Chapter and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict.”

**SECTION 5.** Chapter 302 Transient Dwelling use of Single-Family Dwellings, Section 302-4 Definitions to read as follows:

For the purpose of this Ordinance, certain terms, phrases and words are defined as follows:

- A. **Tense. Gender and Number.** Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural singular.
- B. **General Terms.** The words “shall”, “will” or “must” are always mandatory; the words “should” or “may” are permissive. The words “”used for” includes “designed for”, “arranged for”, “intended for”, “maintained for” or “occupied for”. The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof.” The word “person” includes “individual”, “profit or nonprofit organization”, “partnership”, “company”, “incorporated association” or other similar entities.
- C. **Terms. Phrases and Words Not Defined.** When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

D. Specific Terms. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

TDU ANNUAL TERM – shall mean November 1<sup>st</sup> to October 31<sup>st</sup> of the following year.

BEDROOM – Any room or space designed to be used or intended to be used for sleeping purposes. Spaces used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility room and similar uses are not considered Bedrooms.

CODE OFFICIAL – The official who is charged with the administration and enforcement of this Ordinance, or any duly authorized representative.

DWELLING UNIT - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

OCCUPANCY – The purpose for which a building or portion thereof is utilized or occupied.

OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Township as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON – An individual, corporation, partnership or any other group acting as a unit.

PERSON IN CHARGE – A person or agent with actual authority to represent the Owner for purposes of contact and communication regarding the Owner's TDUs.

TRANSIENT DWELLING USE OF SINGLE-FAMILY DWELLING (TDU) - Any Dwelling Unit owned or managed by a Person which is rented or leased for a period of less than 30 days.

TDU LICENSE – The written grant of the right to operate a TDU pursuant to the specific terms of the license granted to a specific Owner.

TENANT - For purposes of this ordinance the term “tenant” shall refer to the primary individual (transient Tenant) who signed an agreement with the Owner or Owner’s agent for the temporary use of a TDU for thirty (30) consecutive calendar days or less. Such individual must be at least 21 years of age.

**SECTION 6.** Chapter 302 Transient Dwelling Use Single Family Dwellings, Section 302-5 Code Official to read as follows:

*“Section 302-5 Code Official.* The Township Board of Commissioners will appoint one (1) or more Code Officials, who may be the Township Zoning Officer or Code Enforcement Officer, or a contracted individual, firm or agency, to conduct inspections, make reports, administer and enforce this Ordinance. The Code Official may inspect any TDU property at the time an application has been submitted for the purpose of determining its qualification for a License or if it receives a complaint substantiated by the Zoning Officer or Code Official that the TDU is in violation of the License or the Ordinance.”

**SECTION 7.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings, Section 302-6 Licensing to read as follows:

*“Section 305-6 Licensing.* Effective upon enactment of this Ordinance, all Owners must obtain a TDU License for all Dwelling Units intended for use as TDU prior to renting out a Dwelling Unit as a TDU. Operating a TDU without a TDU License is a violation of this Ordinance and is subject to the criminal prosecution and the penalties set forth below. Owners or their agents must complete the TDU License application and submit it to the Township Zoning Officer for

processing. No property may be used as a TDU until a TDU License has been granted by the Township Zoning Officer.

The Township will prescribe the forms and procedures for processing of TDU License applications under this Ordinance. The Owners must provide all requested information concerning the Dwelling Unit and must agree, in writing, to comply with all the requirements of this Ordinance.

TDU Licenses are non-transferrable. If ownership of a TDU changes, the new Owner(s) must complete a new TDU License application form before renting out any part of the Dwelling Unit for a short-term rental and must pay the annual fee.

Upon the submission of a complete TDU License application to operate a TDU, the Township will have 15(fifteen) business days to inspect the property and either grant or deny the request for a TDU License. If after fifteen (15) business days, the Township has not acted on the TDU License application, the TDU License application shall be deemed denied. If the TDU License application is denied due to the lack of information, applicant will be given the opportunity to provide the requisite information and resubmit the TDU License application.

A. TDU License Requirements.

1. The TDU License shall only be issued in the name of the Owner of the TDU.
2. A separate TDU License is required for each TDU.
3. Each Owner shall maintain at least \$500,000 in liability insurance on the TDU for the full duration of their TDU License Annual Term and provide proof of the same to the Township.
4. Each Owner shall provide a copy of the current Monroe County Hotel Room Excise Tax Certificate and current Pennsylvania Sales Tax License, if such Certificate is required by the applicable regulations.

5. A copy of their TDU form agreement which states that the Tenant(s)' acknowledge that violation of the TDU Agreement or this Ordinance may result in termination of the Owner's TDU License.
6. All TDUs must be either Owner-occupied, or if not owner-occupied must designate a local Person in Charge. A Person in Charge, who may or may not be an/the Owner, must reside in or have an office within fifteen (15) miles of the TDU and be able to act as the legal agent for the Owner(s). The Township must be notified, in writing, within fourteen (14) days of the change if there is a change of ownership or in the identity of the Person in Charge.
7. The Owner or Person in Charge shall respond to the Code Official within one (1) hour after being notified by the Code Official of the existence of a violation of this Ordinance or any disturbance requiring immediate remedy or abatement. If the Person in Charge is not the Owner, they shall immediately advise the Owner of any notification of a violation. Owners and Persons in Charge must maintain all TDU Dwelling Units under their ownership and/or control in compliance with all applicable Township Ordinances and Regulations as established by the Township. Owners, Persons in Charge, and tenants shall be liable for violations of laws and/or ordinances, including, but not limited to, occupancy violations, at TDU Dwelling Units under their ownership, control, or occupancy.
8. The condition of any TDU must fully comply with the health safety welfare standards as adopted by Resolution of the Township.
9. The Owner shall limit overnight occupancy of the TDU to the specific number of Tenants designated in their TDU License.
10. Overnight occupancy of a TDU shall be limited to no more than two (2) persons per bedroom plus four (4) additional persons per TDU. The maximum number of day guests allowed at any one (1) time, in addition to the overnight occupants, shall not exceed to seventy-five percent (75%) of the maximum overnight occupancy of the TDU.
11. No on street or yard parking will be permitted at any time. No tents are permitted. No recreational vehicles, campers, buses or other large vehicles may be parked on the TDU property at any time. Outdoor overnight sleeping of Tenants or guests is prohibited on a TDU property.
12. Owner is responsible for any trash or noise disturbance that is created or caused by any Tenant. Failure to have adequate trash storage and weekly collection service or to stop a noise disturbance caused by Tenant will result in a Notice of Violation.
13. The number of bedrooms permitted for a TDU shall not exceed the number of bedrooms approved for the Dwelling Unit on the sewage permit issued for such property. Where there is no sewage permit on record, the TDU shall be limited to three (3) bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any TDU advertising



more that by having the system approved by the Sewage Enforcement Officer, or by providing a septic permit previously issued by a Sewage enforcement Officer. If a sewage system malfunction occurs, TDU of the Dwelling Unit shall be discontinued until the malfunction is corrected in accordance with the Township and Pennsylvania Department of Environmental Protection requirements.

14. A TDU shall not have any outside appearance indicating a change of use from the surrounding residential uses.
15. Fireworks and floating lanterns are prohibited.
16. Subleasing all or a portion of the Dwelling Unit is prohibited.

B. TDU License posting requirement.

Each TDU License granted will include a public notice placard. It is the Owner's responsibility to post the notice on the front door of the TDU. This notice shall remain on the front door at all times and it is the Owner's responsibility to ensure that it remains legible."

**SECTION 8.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings, Section 302-7 License Fee to read as follows:

*"Section 302-7 License Fee.* The TDU License Annual Term for all TDUs runs from November 1st to October 31st of the following year. The initial TDU Licenses granted hereunder shall run until October 31st of 2019 regardless of when they were actually issued. The TDU License Fee is per TDU regardless of the point in a calendar year that a TDU License is obtained. License Fees are set forth in the Township Fee Schedule which may change from time to time. License Fee(s) must be paid at the time the TDU License application is submitted for approval. If the TDU License application is denied the fee(s) shall be refunded, minus an inspection fee. Otherwise, no License fee(s) are to be prorated or refunded."

**SECTION 9.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings, Section 302-8 License Renewal to read as follows:

***“Section 302-8 License Renewal.*** Each TDU License shall be renewed annually. Failure to pay the renewal License fee will immediately terminate the TDU License. Annual TDU License renewal will not be approved unless all required licensing conditions are met, including but not limited to, verification that all owed hotel and sales taxes have been paid.

**SECTION 10.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings,  
Section 302-9 Inspections to read as follows:

***“Section 302-9 Inspections.***

- A. All TDUs shall be subject to inspection by the Zoning Officer and the Code Official to verify application information, License, License renewal and/or operating requirements are being complied with.
- B. The issuance of a TDU License or inspection is not a warranty that the Dwelling Unit is lawful, safe, habitable, or in compliance with this Ordinance or any other applicable Ordinances. Rather, the TDU License indicates that the Dwelling Unit is either set to be inspected on a routine basis or, if inspected, the Dwelling Unit met this Ordinance or other applicable Ordinance requirements on the day and at the time of the inspection.
- C. If there is reasonable cause to believe that any provision of this Ordinance is being violated, the Board of Commissioners of the Township may or may not cause, through an authorized representative of the Township, entry onto Dwelling Unit for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a Dwelling Unit is necessitated, prior arrangements must be made with the Owner or the Person in Charge to secure access thereof. Upon such request, the Owner or Person in Charge shall provide access.”

**SECTION 11.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings,  
Section 302-10 Marketing to read as follows:

***“Section 302-10 Marketing.*** The marketing of a TDU in which the advertised

occupancy exceeds the maximum occupancy requirements permitted by the Owner's TDU License, or which promotes any other activity which is prohibited by this Ordinance, shall be a violation of this Ordinance."

**SECTION 12.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings,  
Section 302-11 Notice of Violation to read as follows:

*"Section 302-11 Notice of Violation.* If it appears to a Code Official that a violation of this Ordinance or an issued TDU License exists or has occurred, the Code Official shall provide a written Notice of Violation to the Owner, delivered personally, or by both United States first class and certified mail. The Enforcement Notice shall identify the TDU which is the subject of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this Ordinance or Regulations which are violated, indicate the action required to correct the violation, and provide a time frame (established by the Code Official based upon the nature of the violation) to correct the violation. The time frame may be immediate however in no event shall the time within which to correct the violation exceed seven (7) days."

**SECTION 13.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings,  
Section 302-12 Nuisance to read as follows:

*"Section 302-12 Nuisance.* In the interest of promoting the public health, safety and welfare, and minimizing the burden on Township and community services and impacts on neighborhoods posed by TDUs, a violation of any of the provisions of this Ordinance is declared to be a public nuisance."

**SECTION 14.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings,  
Section 302-13 Violations and Penalties to read as follows:

*"Section 302-13 Violations and Penalties.*

- A. Any violation of this Ordinance which has not been corrected within the time frame set forth in the Notice of Violation shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) per violation, plus all court costs and reasonable attorney's fees incurred by the Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid to the Township for its general use.
- B. In addition to, but not in limitation of, the provisions of this Section, the Zoning Officer or Code Official may either revoke, or deny an application to renew, a TDU License, for failure to comply with the TDU License, the provisions of this Ordinance or to provide accurate information on the TDU License application. The TDU License will be revoked for a period of one (1) year after the Owner has been convicted of their second Violation. A revoked TDU License may not be renewed for a period of one (1) year. The Zoning Officer or Code Official shall issue, in writing, a Notice of Revocation to the Owner."

**SECTION 15.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings,

Section 302-14 Owners Severally Responsible to read as follows:

*"Section 302-14 Owners Severally Responsible.* If the premises are owned by more than one Owner, each Owner shall jointly and severally be subject to prosecution for a violation of this Ordinance."

**SECTION 16.** Chapter 302 Transient Dwelling Use of Single-Family Dwellings,

Section 302-15 Appeals to read as follows:

***“Section 302-15 Appeals.***

A. Appeals of a determination of the Zoning Officer or Code Official under this Ordinance to deny any application for, or to renew, a TDU License, or to revoke a TDU License, shall be filed with the Board of Commissioners at the Township’s business office within thirty (30) days of the date of the determination appealed from. Appeals shall be processed as follows:

1. All appeals shall be in writing and signed by the Appellant on forms prescribed by the Township, and shall be accompanied by a fee, the amount of which shall be established by the Township Commissioners, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.
2. Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, and the relief sought. Every appeal shall refer to the specific provision of circumstances of the case.

B. The Board of Commissioners of the Township shall conduct hearings and make decisions pursuant to the Act of December 2, 1968 (P.L. 1133, No. 353), known as the “Local Agency Law”, and in accordance with the following requirements:

1. Written notice shall be given, and written notice shall be given to the Appellant, the Zoning Officer or Code Official and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Commissioners of the Township, but not less than fifteen (15) days prior to the hearing.
2. The hearing shall be held within sixty (60) days from the date of the appeal is filed, unless the Appellant has agreed in writing to an extension of time.
3. The hearings shall be conducted by the Board of Commissioners of the Township. The decision or, where no decision is called for, the findings. shall be in writing by the Board of Commissioners of the Township within forty-five (45) days after the conclusion of the hearing, unless the Appellant has agreed in writing to an extension of time, and shall be communicated to the Appellant and any other parties who have entered their written appearance and requested a copy of the decisions, at the addresses provided by them either by personal delivery or by United States First Class mail, postage prepaid.
4. The President or Vice President of the Board of Commissioners of the Township presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. The Board of Commissioners of the Township may but is not required to make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Commissioners of the Township, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
8. The Board of Commissioners of the Township shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given an opportunity to be present."

**SECTION 17. SEVERABILITY.** If any section, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

**SECTION 18. REPEALER.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

**SECTION 19. EFFECTIVE DATE.** This Ordinance shall become effective five (5) days after enactment.

**ENACTED AND ORDAINED** at a regular meeting of the Board of Commissioners of the Township of Pocono, County of Monroe, Pennsylvania on this \_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

**BOARD OF COMMISSIONERS,  
POCONO TOWNSHIP,  
MONROE COUNTY,  
PENNSYLVANIA**

By: \_\_\_\_\_  
**Donna M.ASURE, Assistant Secretary**

By: \_\_\_\_\_  
**Gerald J. Lastowski, President**

I hereby certify that the within is a true and correct copy of the proposed Ordinance in this matter

By: \_\_\_\_\_  
Leo V. DeVito, Jr., Esquire  
Solicitor  
Pocono Township, Monroe County, Pennsylvania



**TOWNSHIP OF POCONO**  
**MONROE COUNTY, PENNSYLVANIA**  
**RESOLUTION TO APPROVE SUBMISSION**  
**OF A LOCAL SHARE ACCOUNT GRANT**

**RESOLUTION NO. 2019-17**

Be it **RESOLVED**, that the Township of Pocono, Monroe County Pennsylvania hereby requests a Local Share Account grant in the amount of \$\_\_\_\_\_ from the Commonwealth Financing Authority of the commonwealth of Pennsylvania to be used for design and construction work related to the TLC Dam Repair/replacement project.

Be it FURTHER RESOLVED, that the Applicant does hereby designate the President of the Board of Commissioners and the Township Manager as the officials to execute all documents and agreements between the Township of Pocono and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

**RESOLVED** at a duly constituted meeting of the Board of Commissioners of the Township of Pocono the 16<sup>th</sup> day of September 2019.

ATTEST:

Township of Pocono  
Board of Commissioners

By: \_\_\_\_\_  
Print Name: Donna M. Asure  
Title: Assist. Township Secretary

By: \_\_\_\_\_  
Print Name: Gerald J. Lastowski  
Title: President

**REGULAR MEETING  
MINUTES  
September 3, 2019 7:00 P.M.**

The regular meeting of the Pocono Township Commissioners was held on Tuesday, September 3, 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:** Keith Meeker, present; Rich Wielebinski, present; Gerald Lastowski, present; Chad Kilby, present. Jerrod Belvin, 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:**

Ellen Gndt, Twp. Resident asked about the status of the audit. She was told the audit is scheduled to be presented at the September 16<sup>th</sup> meeting.

Ms. Gndt questioned the draft Transient Dwelling Use (TDU) Ordinance and the difference between that and a short-term rental. Solicitor DeVito explained that TDU's have always been allowed in the commercial and RD districts and this is a health, safety and welfare ordinance.

Ms. Gndt questioned the Amusement Tax. The Board stated that the township has voted to implement this tax on January 1, 2020 and is reaching out to involved parties to amicably do so. The township is also waiting to find out the new assessment for the township.

Ms. Gndt questioned as to when the detention basin on the township property was going to be completed. R. Sargent stated this Thursday.

Ms. Gndt asked that when the minutes of August 5, 2019 are discussed will there be public comment before the vote

**ANNOUNCEMENTS:**

J. Lastowski announced that the following –

- An executive session was held on August 29, 2019 to discuss negotiations and personnel
- An executive session was held this evening, September 3<sup>rd</sup> to discuss litigation including The Shoppes at Turtle Walk, the Gndt Lawsuit and the Amusement Tax

**HEARINGS:**

J. Lastowski opened the hearing to consider Ordinance 219-05. L. DeVito, Township Solicitor explained the information contained within the ordinance.

J. Lastowski made a motion, seconded by C. Kilby, to close the hearing for Ordinance 2019-05. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by C. Kilby, to adopt Ordinance 2019-05 amending Chapter 145, construction codes, Uniform; Article 1, building construction; Section 1457 Fees of the Code of Codified Ordinances to provide fees for enforcement and administration of the Construction code of the Township of Pocono. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**PRESENTATIONS:** Update from Jason Fitzgerald, JDM Consulting, grant writer (taken out of order during personnel)

Jason Fitzgerald, JDM Consulting was present to update the board on the grant applications submitted to date, the anticipated dates the state will consider the applications and new programs available for applications. An RCAP grant was submitted for the township complex but was not successful. Will be resubmitted in next years round. Two DCED grants have been submitted by the July 31<sup>st</sup> deadline, the turning lanes and the streetscape project. Both have received positive feedback. No date set for consideration by the CFA. The Board was told of funding now available through the LSA program. Applications are due by September 30, 2019. The Board instructed the manager to work with the engineer and the grant writer to submit an LSA grant application for the repair of the dam at TLC. The Board was informed about the discussions with PJJWA concerning Small sewer and water grants that may be available to PJJWA.

**RESOLUTIONS:** none

**MINUTES:**

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 08/5/2019 regular meeting of the Board of Commissioners.

J. Belvin made a motion to amend the 8/5/19 minutes, seconded by R. Wielebinski, to add the following statement to the August 5, 2019 Board of Commissioner meeting minutes. Discussion followed on the proper way to have the minutes amended. L. DeVito stated that you may amend the minutes and if amended it should be opened to public comment.

Commissioner Belvin stated –

Tonight, I want to make a formal statement for inclusion in our official minutes to address a grave concern stemming from a very serious remark that was made at our Aug 5th commissioner's meeting.

As many Pocono residents know, there has been a rash of municipal shootings in Monroe County that have touched close to home - specifically and most recently with the loss of our Zoning officer, Mike Tripus. Mike's passing left a huge void both in the personal lives of those who loved him and professionally within our township.

In light of the tragic shooting that took one of our own, in addition to the tragedy in Ross Township a few years back, I take it very personally as an elected official when comments are made - even if seemingly "in jest" - that make light of something as serious as a shooting. As elected officials, we sit up here because our fellow residents put their faith and trust in our leadership, and we do our absolute best to make integrity-driven decisions on a host of very difficult issues that impact our township. Today, as elected officials, we sometimes find ourselves figuratively and literally in the cross hairs of angry residents - simply because we are up here doing what we feel is right for our township.

At the Aug 5th meeting, a seemingly benign issue was discussed regarding ongoing issues with a township drainage pipe and its impact (or lack thereof) on a neighboring resident's property. There were a number of issues at play that were not the township's doing - as has been affirmed and supported by the County Conservation District and our Township Engineer Jon Tresslar.

While discussing this issue, the township minutes reflect that Ms. Ellen Gndt made remarks in relation to this issue, but the minutes do not reflect the details of the exchange, which I would like to have formally reflected in tonight's minutes. As the aforementioned drainage pipe issue was discussed, Ms. Gndt made a comment stating: "she (the affected neighbor) had tried to help herself and put some -allegedly- put some sandbags in there. And I'm just saying maybe if the township had ah, attended to that earlier you wouldn't have got that far. But at least it was a sandbag and not a gun, so" ... (-laughter) - and then she proceeded to laugh. I have been made aware of public meetings in this County where residents were removed from meetings for lesser comments and it is my opinion that this type of "joking" or lewd comment has no place in our township.

The next time a comment like this is made by any individual, I would request that the President have said individual removed from the meeting.

Public comment –

E. Gndt, Twp. Resident, questioned what would be placed in the minutes. She informed the board that she wanted a copy of the transcript and stated that the tape should not be destroyed. She was instructed to submit a Right To Know.

Roll call Vote: K. Meeker, abstain; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the minutes of the 08/15/2019 special and regular meeting of the Board of Commissioners. Roll call Vote: K. Meeker, abstain; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**NEW BUSINESS:**

Personnel -

The Board acknowledged the completion of the one-year probationary period for Officer Raymond Kuehner effective August 20, 2019 and sent congratulations.

(Presentation by grant writer)

J. Lastowski made a motion, seconded by J. Belvin, to approve the continued internship of Reecha Patel beginning September 4, 2019 through December 31, 2019 for up to ten (10) hours per week at a rate of \$12.00 per hour. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

### **Financial Transactions –**

#### **Ratify vouchers payable**

J. Lastowski a motion, seconded by C. Kilby, to ratify vouchers payable for a period ending 08/29/2019 in the amount of \$ 6,109.09. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

#### **Ratify gross payroll -**

J. Lastowski made a motion, seconded by J. Belvin, to approve to ratify the gross payroll for the pay period ending August 11, 2019 in the amount of \$ 104,283.76 and pay period ending August 25, 2019 in the amount of \$ 105,925.97. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

#### **Vouchers Payable**

J. Lastowski made a motion, seconded by C. Kilby, to approve vouchers payable received through 08/29/2019 in the amount of \$ 6,791.38. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

#### **Capital Expenditures**

J. Lastowski made a motion, seconded by R. Wielebinski, to approve the capital expenditures for the period ending 8/29/19 in the amount of \$ 11,987.47. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

#### **Emergency Generator-**

J. Lastowski made a motion, seconded by J. Belvin, to approve the bid received from Crowder Jr. Company in the amount of \$ 13,468.00 for emergency generator and automatic transfer switch integration. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

#### **Fall Clean-up –**

D. Asure reported that only one bid was received for the fall clean-up. The packet from Northeast Cartage was discussed. R. Wielebinski made a motion, seconded by C. Kilby, to award the fall clean-up to Northeast Cartage at \$35/yard for dumpsters for September 27 and 28, 2019. Discussion followed concerning the prices charged to residents. The Commissioners instructed the manager to set and advertise the prices for fall clean-up. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

### **REPORT OF THE PRESIDENT:**

Gerald Lastowski, President

J. Lastowski stated that he met with staff from Congressman Matt Cartwright's office concerning grants that may be available for the PJJWA water system. The Congressman's office suggested the USDA, which they may be helpful with.

J. Lastowski reported that Senator Scavello has told him that the first part of the 715.611 realignment will now begin with the mountain area at Rt. 715. They are conducting environmental studies which may take six months and then they will need to negotiation the taking of the land with the landowner.

J. Lastowski made a motion, seconded by R. Wielebinski, for discussion, to authorize the zoning officer to conduct an inspection at 1923 Route 611 for possible dangerous structure violations. Discussion followed concerning the fact that this property has been discussed in the past and nothing has happened. It is hoped that this time if violations are documented follow through will occur. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the zoning officer to conduct an inspection at Lots 17 & 18, Pocono Manor for possible dangerous structure violations. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

J. Lastowski questioned whether all board members had received the memo from a citizen concerned about the move to go from 4G to 5G for wireless services. Discussion followed on whether hazards exist with this type of equipment. No action taken.

## COMMISSIONERS COMMENTS

Rich Wielebinski - Vice President -

Commissioner Wielebinski discussed the Hometown Heroes program which is done in many towns. He contacted another township and received information. R. Wielebinski made a motion, seconded by J. Belvin, to initiate the Hometown Heroes program for Pocono Township and to post the information on the township website and on billboard. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

Keith Meeker – Commissioner - none

Chad Kilby - Commissioner

Intersection Lighting Update – C. Kilby reported that light project is completed in the Scotrun area.

Traffic Control through Tannersville - C. Kilby discussed the meeting that was held with PennDot on the township's concerns over traffic congestion. Delineators were discussed at that meeting and the township would like to move forward but it appears that PennDot now has concerns over this project. The Board requested that the manager reach out to PennDot with the draft plans of placement of delineators, contact the county to see if there has been or can be a traffic study in the Sullivan Trail area and if not what would be the cost of such a study.

TLC Park Fencing – C. Kilby discussed the vision for TLC Park and installing a split rail fence. Discussion followed on the timing of the installation of the fence at TLC Park, the fact that it adds a level of security to the area and it will show residents that the board is moving forward with making TLC Park a park residents can be proud of. C. Kilby made a motion, seconded by K. Meeker, to install 650 feet of 2 rail split rail fencing at TLC Park in an amount not to exceed \$2600.00. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

To Fish Hill Road Closure – Discussion occurred on the safety concerns of people using Learn to Pigeon and To Fish Hill Roads as short cuts to avoid traffic. C. Kilby made a motion, seconded by J. Belvin, to shut To Fish Hill Road down. Further discussion followed on how this could be done and the legal requirements to do so. C. Kilby withdrew his motion, J. Belvin withdrew his second. C. Kilby made a motion, seconded by J. Belvin, to authorize the solicitor and engineer to prepare an ordinance and plans to close off "To Fish Hill Road" no later than the first meeting in October. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

Jerrold Belvin – Commissioner –

J. Belvin made a motion, seconded by R. Wielebinski, to authorize the zoning officer to conduct an inspection at 2477 Clubhouse Drive and 452 Cherry Lane Road for possible dangerous violations. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

J. Belvin made a motion, seconded by K. Meeker, to authorize the zoning officer to proceed with Notice of Violations for dangerous structures at 164 JoJo Road based on inspection conducted. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

NIMS Update – J. Belvin reported that under Title 35 all elected officials must take certain emergency management courses. With the addition of Commissioner Meeker, Pocono Township, for the first time since 2008, is in compliance with this regulation and all Commissioners have taken the required courses.



Bollards in front of Public Works – Discussion occurred on installing bollards in the front of the public safety building. The road supervisor was instructed to move forward with this installation.

Aerating Fountain at TL Park – J. Belvin discussed the need to aerate the water in the pond at TLC park. J. Belvin made a motion, seconded by R. Wielebinski, to authorize the purchase of an aerating fountain to be installed in the pond at TLC park for an approximate amount of \$1500.00. Public Comment – E. Gnadts asked if this is a water fountain to drink from. It was explained this is a fountain to aerate the pond. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

## REPORTS:

### Public Works

Road Crew Projects - R. Sargent reported the shoulder work has been completed today and they will move on to blacktopping some township roads.

Park Operations - R. Sargent reported all is looking very good at the park. The Board stated that the park is starting to look very nice.

Lighting from Heritage Center to Basketball Courts – R. Sargent reported he and Commissioner Belvin worked on this issue and he is moving forward with repairing.

Line Stripping – R. Sargent reported that the company was supposed to be here today to line strip roads that were not paved. He is uncertain if they were but will check.

Woodlands road issues – R. Sargent stated he is unaware of any issues within this development. Commissioner Wielebinski stated that several months ago there were issues that were going to be looked into concerning drainage.

Mowing Shoulders – R. Sargent stated he has been unable to get to this task due to manpower issues. He hopes this will begin by the end of the week.

Pipe Replacement Report – R. Sargent reported the road crew has installed 78 pipes this year.

Retention Basin - R. Sargent reported that this was discussed earlier and he will begin work on the retention basin on September 5<sup>th</sup>.

### Administration - Manager's Report

Regional Comprehensive Plan – The proposals for consultant were received and a date is being determined for interviews.

Traffic Task Force - No report

Pocono Business Association – An email was sent but to date only one response.

Green Light Go 2015 – No update has been received from PennDot.

Green Light Go 2017 – No update.

D. Asure reported that correspondence has been received for the following projects as listed –

- Extension received from Tannersville Point through November 30, 2019
- Extension received from BCRA Pump and Tank Station through October 21, 2019
- Extension received from Running Lane Hotel Land Development and Minor Subdivision Plan through December 31, 2019

PSASTS regional Fall Forum – D. Are reported that the Fall Forum for PSATS will be held at Kalahari on November 15<sup>th</sup> and 16<sup>th</sup> at a cost of \$75.00 per person. The Board members are interested in attending and the manager will look into registration.

Township Garbage Pickup – D. Asure reported that Northeast Cartage has presented the township with a quote to become the garbage hauler for the township properties. J. Belvin made a motion, seconded by C. Kilby, to accept the quote from Northeast Cartage for trash removal at township complex, MVP and Pump Station 5 at a cost of \$342.00 per month. Under discussion it was reported that this will save approximately \$200 per month. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

#### **TOWNSHIP ENGINEER REPORT:**

White Oak Culvert replacement project - no report – waiting on grant

Right Hand Turn Lanes - Information provided to grant writer

TLC Bridge- Discussed earlier.

TLC Dam – will work with grant writer to get information needed for LSA grant.

Culvert Cleaning Maintenance - No report

Master Sidewalk Plan - Everything has been submitted to grant writer on behalf of the township

Erosion and Sedimentation Ordinance – C. Kilby made a motion, seconded by R. Wielebinski, to authorize the township solicitor to advertise for a public hearing to consider the Erosion and Sedimentation Ordinance on September 16, 2019. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Well at Mountain View Park - J. Tresslar reported they are working on plans for a small filtration system which should be done by the end of the week. The road crew can do a majority of the project but an electrician will be needed to do the final hookup.

MS4 - no update

Generator – discussed earlier.

145 Camelback Road – J. Tresslar reported that as Floodplain Administrator he conducted an inspection on this property and there are violations. There is a bridge with no permit which DEP has already been no site to inspect, and there appears to be buildings, with or without permits, that appear to be in the floodplain. He will be sending a letter to the property owner.

#### **TOWNSHIP SOLICITOR REPORT**

Exxon Monitoring Wells - no report

White Oak Culvert easements - L. DeVito is working with J. Tresslar to develop a concept for the access.

Breezewood Drive Easements – discussion with property owner

Feeling Good LLC et al court update – L. DeVito reported that the civil suit filed by Feeling Good, LLC, another One Bites the Dust, LLC and Tatiana Marchenko was heard on August 28, 2019. The Judge ruled in the favor of the township concerning the injunction but is considering the other items in the suit.

Transient Dwelling Use – L. DeVito reported that the draft ordinance has been reviewed by zoning and building codes and a few small changes were made. R. Wielebinski made a motion, seconded by K. Meeker, to authorize the township solicitor to advertise for a public hearing to consider the Transient



Dwelling Use Ordinance to be held on September 16, 2019. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

1563 Sullivan Trail – L. DeVito reported that constables were used to serve the Notice of Violation to the owner of 1563 Sullivan Trail. A tentative hearing date has been scheduled for September 30, 2019. J. Lastowski, made a motion, seconded by J. Belvin, to authorize the solicitor to attend the hearing on 1563 Sullivan Trail with the Zoning Officer. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

**PUBLIC COMMENT:** none

**ADJOURNMENT:**

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 8:20pm. Roll call Vote: R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.

POCONO TOWNSHIP  
Monday, September 16, 2019

## SUMMARY

Ratify

General Fund	\$	108,278.04
Sewer Operating	\$	164.90
Sewer Construction	\$	-
Capital Reserve	\$	-

Bill List

TOTAL General Fund	\$	185,406.34
TOTAL Sewer <u>OPERATING</u> Fund	\$	116,973.27
TOTAL Sewer <u>CONSTRUCTION</u> Fund	\$	-
TOTAL Capital Reserve Fund	\$	2,636.00
Liquid Fuels	\$	-

<u>Budget Adjustments</u>	\$	-
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<u>Budget Appropriations</u>	\$	-
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Interfund Transfer

Notes:

# POCONO TOWNSHIP CHECK LISTING

## RATIFY

Monday, September 16, 2019

	<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
General Fund					
Payroll	09/13/2019			Pay 18 2019 ending 9/8/19	\$ 107,733.27
General Expenditures					
	09/11/2019	58820	PENTELEDATA	PARK & POLICE INTERNET	\$ 299.75
	09/11/2019	58821	PENTELEDATA	TOWNSHIP INTERNET	\$ 195.02
	09/11/2019	58853	COMMONWEALTH OF PA	MVP WELL APPLICATION	\$ 50.00
				TOTAL PAYROLL	\$107,733.27
Sewer Operating Fund					
	9/12/2019	1364	PENTELEDATA	PARK & POLICE INTERNET	\$ 164.90
				TOTAL General Fund Bills	\$ 544.77
Sewer Construction Fund					
Capital Reserve Fund					
					\$ 164.90
TOTAL General Fund					
TOTAL Sewer Operating				108,278.04 Transferred by:	
TOTAL Sewer Construction				164.90	
Total Capital Reserve				-	
				-	
				108,442.94 Authorized by:	

**POCONO TOWNSHIP CHECK LISTING**  
**Monday, September 16, 2019**

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
<b>General Fund</b>				
9/11/2019	58822	ADP, LLC	PAYROLL SERVICES	\$ 203.00
9/11/2019	58823	ARGS Technology, LLC	Police IT Services - August 2019	\$ 2,625.00
9/11/2019	58824	BIU of PA, Inc.	Permit Fees	\$ 9,191.00
9/11/2019	58825	Friedman Electric	Park electrical service	\$ 101.50
9/11/2019	58826	Fry's Plastic	PW Supplies	\$ 1,071.80
9/11/2019	58827	Gotta Go Potties, Inc	MVP Rental/Handicap/Extra Service Aug	\$ 890.00
9/11/2019	58828	Hanson Aggregates Pennsylvania LLC	Road materials	\$ 1,650.14
9/11/2019	58829	Highmark Inc.	HRA fees	\$ 89.95
9/11/2019	58830	Metropolitan Telecommunications	Phones TWP	\$ 510.01
9/11/2019	58831	Monroe County Control Center	Q4 services	\$ 12,116.18
9/11/2019	58832	MRM Worker's Compensation Pooled Trust	Workers Comp Insurance	\$ 11,724.32
9/11/2019	58833	OFFICE DIRECT	Police equipment maintenance	\$ 200.00
9/11/2019	58834	Panko Reporting	9/3/19 Ordinance Adoption	\$ 165.00
9/11/2019	58835	Papke's Custom Repairs	Police equipment maintenance	\$ 2,697.50
9/11/2019	58836	PPL Electric Utilities	Electric service	\$ 52.71
9/11/2019	58837	Praxair Dist Mid-Atlantic	PW Supplies	\$ 27.42
9/11/2019	58838	RJ Lee Group	Police professional services	\$ 1,358.95
9/11/2019	58839	Shinetime Auto Wash & Lube	Police Car Washes-August	\$ 72.00
9/11/2019	58840	Signal Service, Inc.	Traffic light service	\$ 477.75
9/11/2019	58841	Site2	Backup & Recovery Services	\$ 496.00
9/11/2019	58842	Stroudsburg Electric Motor Service	PW equipment repair	\$ 231.79
9/11/2019	58843	Susteen	Secure View 1 Yr Renewal	\$ 1,495.00
9/11/2019	58845	PMHIC	OCT Health insurance premium	\$ 71,088.60
9/11/2019	58846	Steele's Hardware	PW operation supplies	\$ 606.52
9/11/2019	58847	Tulpehocken Mountain Spring Water Inc	Water	\$ 77.59
9/11/2019	58848	U.S. Municipal	Heavy equipment parts	\$ 2,471.33
9/11/2019	58849	Wilson Products Compressed Gas Co.	PW operation supplies	\$ 7.25
9/11/2019	58850	Wrecker International Inc.	Police vehicle maintenance	\$ 75.00
9/11/2019	58851	YCG, Inc.	Police training	\$ 1,140.00
9/11/2019	58852	Zelenkofske Axelrod LLC	2018 Audit	\$ 7,000.00
9/12/2019	58854	Nationwide - 457	PAY 18 EE & ER CONTRIBUTION	\$ 3,522.77
9/12/2019	58855	D.G. Nicholas Co.	PW operation supplies	\$ 20.01
9/12/2019	58856	Teamster Local 773 - Non-Uniform	SEP 2019 UNION DUES	\$ 642.00

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
9/12/2019	58857	Teamster Local 773 - Police	SEP 2019 UNION DUES	\$ 1,488.00
9/12/2019	58858	A-1 Lock & Safe, LLC	Twp building maintenance	\$ 199.00
9/12/2019	58859	ARGS Technology, LLC	TWP IT Services - August	\$ 1,625.00
9/12/2019	58860	Brodhead Creek Regional Authority	Sewer	\$ 177.08
9/12/2019	58861	Broughal & DeVito, L.L.P.	Township Legal	\$ 13,222.75
9/12/2019	58862	DELL Marketing, L.P.	Police minor equipment	\$ 5,612.79
9/12/2019	58863	Dougherty, Leventhal & Price, LLP	Legal services	\$ 842.00
9/12/2019	58864	Eureka Stone Quarry, Inc.	Road materials	\$ 3,668.34
9/12/2019	58865	Hartshorn, Dean	Mileage reimbursement	\$ 98.10
9/12/2019	58866	J & B Auto	Police vehicle maintenance	\$ 1,125.85
9/12/2019	58867	J & Z Professional Services LLC	September Cleaning Services	\$ 947.50
9/12/2019	58868	Jack Williams Tire Company, Inc.	Police vehicle maintenance	\$ 295.44
9/12/2019	58869	Kimball Midwest	PW operation supplies	\$ 558.05
9/12/2019	58870	Kyocera Document Solutions America, Inc.	Equipment lease	\$ 366.56
9/12/2019	58871	Mountain Road Feed Store	PW operation supplies	\$ 88.00
9/12/2019	58872	PAPCO, Inc.	Vehicle fuel	\$ 3,800.65
9/12/2019	58873	Pocono Record	Advertisement	\$ 858.79
9/12/2019	58874	PPL Electric Utilities	Electric service	\$ 1,551.07
9/12/2019	58875	PSATS	PMGA Graduate Pgm D. Asure	\$ 75.00
9/12/2019	58876	Recycle Logistics and Transport LLC	Scrap Tires Over Scale	\$ 68.00
9/12/2019	58877	Staples Business Credit	Office supplies	\$ 648.28
9/12/2019	58878	State Workers Insurance Fund	Fire Dep. Workers comp insurance	\$ 2,372.00
9/12/2019	58879	Stroudsburg Foto Shop, Inc.	Police minor equipment	\$ 1,954.95
9/12/2019	58880	UNIFIRST Corporation	PW uniforms & mats	\$ 156.05
9/12/2019	58881	PSATS	HR & Labor Mgmt 9/19 D. Asure	\$ 99.00
9/12/2019	58882	HM BEERS	SEO CONTRACTED SERVICES	\$ 2,450.00
9/12/2019	58883	SFM CONSULTING	ZONING CONTRACTED SERVICES	\$ 6,760.00
<b>Sewer Operating Fund</b>				<b>\$ 185,406.34</b>

9/12/2019	1365	BLUE RIDGE COMMUNICATIONS	PUMP STATIONS INTERNET SERVICE	\$ 123.18
9/12/2019	1366	BRODHEAD CREEK REGIONAL AUTHORITY	SEWER TREATMENT OCTOBER 2019	\$ 95,086.08
9/12/2019	1367	BROUGHAL & DEVITO, L.L.P.	SEWER LEGAL	\$ 450.00
9/12/2019	1368	EEMA O&M Services Group, Inc.	SEWER O&M CONTRACTED SERVICES	\$ 6,120.38
9/12/2019	1369	Emergency Systems Service Co.	SERVICE PUMP STATION 5	\$ 842.12
9/12/2019	1370	Evoqua Water Technologies LLC	SERVICE CALL PUMP STATION 5	\$ 3,343.88

<u>Date</u>	<u>Check</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
9/12/2019	1371	LRM, Inc	ANNUAL CALLIBRATION PUMP STATIONS 1-5 & SERVICE CALLS	\$ 1,840.60
9/12/2019	1372	METROPOLITAN TELECOMMUNICATIONS	PHONE SERVICE PUMP STATION	\$ 72.99
9/12/2019	1373	PA One Call System, Inc	SEWER MAPPING	\$ 90.44
9/12/2019	1374	Pocono Management Associates LLC	CONTRACTED SERVICES 8/26 -9/8/2019	\$ 3,072.52
9/12/2019	1375	Pocono Township	SEWER ADMIN SERVICES 8/26 -9/8/2019	\$ 1,254.31
9/12/2019	1376	PPL Electric Utilities	ELECTRIC SERVICE AUG 2019	\$ 1,717.41
9/12/2019	1377	Steele's Hardware	SEWER OPERATING SUPPLIES	\$ 34.36
9/12/2019	1378	Utility Locator LLC	SEWER MARKING CONTRACTED SERVICES	\$ 2,925.00
TOTAL Sewer Operating				\$ 116,973.27

Sewer Construction Fund

TOTAL Sewer Construction Fund		\$ -
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Capital Reserve Fund

9/12/2019	1082	SCHLIER'S TOWING	FILL SOIL FISH HILL SWALE PROJECT	\$ 120.00
9/12/2019	1081	SPLIT RAIL FENCE STORE	MV PARK SPLIT RAIL FENCE	\$ 2,516.00

TOTAL Capital Reserve Fund		\$ 2,636.00
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LIQUID FUELS

TOTAL Liquid Fuels		\$ -
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ESSA

TOTAL General Fund	\$ 185,406.34	
TOTAL Sewer Construction Fund	\$ -	Authorized by: _____
Sewer Operating	\$ 116,973.27	
Capital Reserve	\$ 2,636.00	
Liquid Fuels	\$ -	
TOTAL ESSA TRANSFER	\$ 305,015.61	Transferred by: _____

**POLICE REPORT FOR AUGUST 2019**

The following are the recorded activities of the Pocono Township Police Department for the month of August 2019. Also listed are the available recorded activities for 2019 year to date, previous month, August 2018 and Year-end total 2018.

	August 2019	Y-T-D 2019	August 2018	Y-E-T 2018	July 2018
Incidents Investigated	1146	7047	1178	11740	1127
Burglary / Fire Alarms Answered	66	500	86	949	78
Motor Vehicle ACC	63	367	65	595	66
Assaults	7	48	8	71	8
Narcotics	11	71	16	117	18
Criminal Arrests	26	183	33	399	39
Theft	19	108	22	325	21
DUI alcohol/drug impaired	16	81	14	139	8
Mental Health	4	52	5	84	7
Drug Overdose	3	14	n/a	n/a	2
Death Investigations	3	10	0	19	0
Assisting other agencies	37	236	19	412	32
Disorderly Conduct/Harassment	37	211	n/a	334	46
Traffic Citations Issued	228	1129	194	1650	184
Written Warnings	239	1446	266	2891	195
Traffic & Parking issues	38	272	39	354	40
911 Hang-up Calls	89	685	121	957	133

Mileage all Vehicles: 15,799

Income from Report Fees: \$669.50