

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

The regular meeting of the Pocono Township Commissioners was held on Monday, October 7, 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 by phone;

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:

Kevin Fabiano, Twp. Resident, spoke to the board about his continued difficulties in obtaining a sign permit. The township manager was instructed to arrange a meeting between Solicitor DeVito and Shawn McGlynn, Zoning Officer to discuss what has been done to date.

ANNOUNCEMENTS:

J. Lastowski announced the following –

- Please remember to sign in as you enter the meeting room
- Trick or Treat will be held Thursday, October 31st from 6pm – 8pm
- The 2018 Audit has been received and a presentation, by the auditor, will be at the 10-21-19 meeting

HEARINGS:

PRESENTATIONS:

BCRA Tank and Pump Station – Nate Oiler of RKR Hess presented the project to the Board.

R. Wielebinski made a motion, seconded by C. Kilby, to grant the request for modification, by BCRA for the Tank and Pump Station Project, SALDO Section 365.10.I (6) (b) – wetland buffer. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to grant the request for modification, by BCRA for the Tank and Pump Station Project, SALDO Section 390.58.B.1 – open space. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to grant the request for modification, by BCRA for the Tank and Pump Station Project, SALDO Section 390-35.A.3 – acceptable form of financial guarantee – to allow an indemnification agreement with BCRA guaranteeing completion of improvements. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by C. Kilby, to grant the request for modification, by BCRA for the Tank and Pump Station Project, SALDO Section 390-38.B, C – succession of ownership. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

C. Kilby made a motion, seconded by R. Wielebinski, to grant the request for modification, by BCRA for the Tank and Pump Station Project, SALDO Section 390-48.A.A – sidewalks. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to grant the request for modification, by BCRA for the Tank and Pump Station Project, SALDO Section 390-55.B (3) – trees. N. Oiler reported that they will place a note on the plan that a minimum of 1315 trees will be preserved. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

N. Oiler thanked the Board and stated that it is anticipated they will be ready for the preliminary/final approval request at the next meeting with the resolution containing all the waivers/modification requests in mid-December.

RESOLUTIONS:

It was explained that the resolution is necessary as per the TDU Ordinance to set forth the standards for rentals in the commercial and recreational districts. Doing this by resolution would allow the standards to be updated periodically without changing the ordinance.

R. Wielebinski made a motion, seconded by J. Lastowski, to adopt Resolution 2019-18, adopting the health, safety and welfare standards as related to the Transient Dwelling Use Ordinance.

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

D. Asure reported that Resolution 2019-19 was added late this afternoon but was now not necessary as a letter granting an extension has been received concerning the Spa Castle Grand Pocono Resort Land Development Plan. The extension is through October 5, 2020. Commissioner Wielebinski discussed the poor condition of the property.

J. Lastowski made a motion, seconded by C. Kilby to accept the extension from Spa Castle Grand Pocono Resort for one year. Roll call Vote: K. Meeker, abstain; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

MINUTES:

J. Lastowski made a motion, seconded by C. Kilby, to approve the minutes of the 09/16/2019 regular meeting of the Board of Commissioners. 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 K. Meeker, to approve the minutes of the 09/23/2019 work session of the Board of Commissioners. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, abstain due to absence; C. Kilby, yes; J. Belvin, yes. Motion carried.

NEW BUSINESS:

Personnel -

D. Asure reported to the Board that Ryan Huey was cleared by his doctor and through a return to work evaluation doctor and returned to full duty on Monday, September 29, 2019.

Financial Transactions –

Ratify vouchers payable

J. Lastowski a motion, seconded by R. Wielebinski, to ratify vouchers payable for a period ending October 3, 2019 in the amount of \$ 5,982.70. 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 R. Wielebinski, to ratify the gross payroll for the pay period ending September 22, 2019 in the amount of \$ 102,343.98. 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 K. Meeker, to approve vouchers payable received through October 3, 2019 in the amount of \$ 387,262.06. 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 C. Kilby, to approve the capital expenditures received through

October 3, 2019 in the amount of \$ 21,120.26. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Bank Signatories

J. Lastowski made a motion, seconded by C. Kilby, to approve the following as signatories on all Pocono Township bank accounts – Gerald J. Lastowski, Richard Wielebinski, Jerrod Belvin, Chad Kilby, Keith Meeker, Frank Cefali and Donna M. Asure. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Body Camera Purchase –

J. Lastowski made a motion, seconded by K. Meeker, for discussion, to authorize the purchase of four additional body cameras and a docking station from Watch Guard for \$5,750.00 as recommended by Chief Werkheiser. D. Asure was asked if these were replacements or new body cameras. She stated that two were two replace damaged body cameras that will be repaired and two spares. J. Lastowski asked if this was budgeted and was told there is money in the police budget to purchase. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Travel/Training Authorizations –

REPORT OF THE PRESIDENT:

Gerald Lastowski, President

J. Lastowski made a motion, seconded by R. Wielebinski, to authorize the zoning officer to proceed with the Notice of Violations for Lot 17, Summit Avenue for dangerous structure violations as reported by inspection and follow the recommendations of the zoning inspection report. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

Commissioner Lastowski read a prepared statement which he requested be entered into the minutes “verbatim” and that media outlets are contacted and provided the statement. The statement read as follows –

“ In light of recent Facebook postings, I feel it necessary to articulate the facts and the truth about whether the Township will be raising property taxes this upcoming year and the status of the amusement tax.

First, we do not anticipate raising taxes this year and are doing everything we can so as not to raise taxes. As we all know, this year Monroe County conducted a county-wide reassessment. The County will not be certifying the assessed values until November 15. That means that we will not know our projected revenues until that time. In the year following a reassessment, State law prohibits collecting more than 110% of the amount collected this year. In working on our budget for next year, we are using the revenues collected this year. Once we receive the certification from the County, we will then be able to establish the appropriate millage rate so as to comply with state law and not raise your taxes.

With regard to the amusement tax, it is to be implemented and commence on January 1, 2020. The Amusement Tax Ordinance was adopted in August, 2018. At that time, affected business owners were concerned about the impact of this tax on their ability to be competitive with other like businesses. Meetings were held with these business owners to discuss their concerns. One affected business owner asserted that it was exempt from this tax as its entire facility, including its water park, was a ski facility and that any attempted imposition of this tax would be challenged in Court. The Board then explored other options to raise revenue without engaging in a protracted and costly legal battle. One such option was presented by our State Senator who approached the Township and expressed his desire to attempt to generate revenue from the State in the upcoming budget. He requested that the Township delay the implementation of the amusement tax to provide him time to do so. Understanding the concerns of the affected business owners and the potential of litigation, this Board thought that it was in the best interest of the Township to provide Senator Scavello the time he requested. Unfortunately, Senator Scavello was unsuccessful in his attempt to produce and secure state funding for the Township.

Today, as we face ever increasing costs and our strong commitment not to raise your taxes, we are implementing the Amusement Tax. We remain uncertain as to whether litigation will result and to the amount of revenue this tax will generate. Our uncertainty as to the revenues is a result of not knowing the precise number of patrons the affected businesses will have. This information is closely guarded by the businesses. Once commenced, the Township will be in a better position to determine the amount of revenue expected to be generated. As a result of the unknowns, this Board, unlike my predecessor Board, is not, during the preparation of the 2020 budget, budgeting for revenues we are unsure we are going to collect. Revenues, if realized from the implementation of the amusement tax, will be used for township expenditures when and if received. By being conservative in our approach, the budget ultimately adopted will be based upon revenues reasonably expected to be received and not on those that may not be received.”

COMMISSIONERS COMMENTS

Rich Wielebinski - Vice President - none

Keith Meeker – Commissioner - none

Chad Kilby - Commissioner

Survey of TLC Park – Commissioner Kilby reported that the survey is being prepared and is complete for the northern end. He will be working with R. Sargent to review the plot plan and direct installation of the fencing.

Jerrod Belvin – Commissioner –

J. Lastowski made a motion, seconded by K. Meeker, to authorize the zoning officer to proceed with Notice of Violations for dangerous structure violations at 452 Cherry Lane Road as reported by inspection and to follow the recommendations of the zoning inspection report. 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 conduct an inspection at 2162 Deerfield Way in Scotrun Estates. 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 things are “wrapping up for the season”

Park Operations - R. Sargent reported things at the park are going very well

Lighting from Heritage Center to Basketball Courts – R. Sargent reported a timer has been installed.

Woodlands road issues – Kept as a place holder for future project.

Mowing Shoulders – R. Sargent stated this has been completed.

Fence Installation at TLC – Discussed earlier

R. Sargent reported that he has rented a stump grinder for stump removal at parks, and he has spoken to the PM little league and believes they will be willing to help with ballfields in the future.

The brass plaque at the TLC pedestrian bridge was discussed concerning replacing when current project is complete and on an additional plaque to commemorate the repair.

Administration - Manager's Report

Regional Comprehensive Plan – The consulting firm has been chosen and the process should be moving forward soon.

Traffic Task Force - no report

Pocono Business Association – No report

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

Green Light Go 2017 – No update.

PPL Grant of Right of Way - R. Wielebinski made a motion, seconded by K. Meeker to ratify the execution of the right of way to PPL Utilities Corporation on TLC property for the BCRA waterline project. 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 grant the request from Pocono Pride to waive the \$100 pavilion rental fee for their fundraiser and picnic on October 26, 2019 with a rain date of October 27, 2019. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

D. Asure recommended to the Board that due to the difficulties the township has been having with Northeast Cartage in entering into an agreement for trash pickup and the issues for cleanup day that the township rescind the authorization for the agreement.

R. Wielebinski made a motion, seconded by C. Kilby to rescind the authorization to enter into agreement with Northeast Cartage for regular trash pickup at the township complex, MVP ad pickup at Pump Station #5. 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 – J. Lastowski made a motion, seconded by C. Kilby to authorize the township solicitor and engineer to advertise the bidding of the White Oak culvert project. J. Tresslar reported this would be a spring project but could be bid now to get someone lined up. Roll Call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried.

Right Hand Turn Lanes - There has been some discussion that a private client may now be involved with this project.

TLC Bridge- Project is scheduled to begin on October 7, 2019

TLC Dam – information has been provided to grant writer

Culvert Cleaning Maintenance - No report

Master Sidewalk Plan - no report

Erosion and Sedimentation Ordinance – R. Wielebinski made a motion, seconded by J. Belvin to authorize the engineer and solicitor to amend the draft ordinance incorporating the MCCD comments and to advertise for a hearing on November 4, 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 the design and planning module has been submitted to DEP with the anticipation that it will be several more weeks before a permit may be issued.

MS4 – J. Tresslar reported the annual report was submitted to DEP.

Generator – J. Tresslar reported that the contract has sent back changes to the contract. The changes must be reviewed and approved which will allow the work to start.

To Fish Hill Road - J. Tresslar provided the board with more information on the closing “To Fish Hill Road”. Discussion followed on types of barricades needed as well as signage. Commissioner Kilby requested that information on the failing of this bridge be placed in the next monthly township newsletter.

TOWNSHIP SOLICITOR REPORT

Exxon Monitoring Wells - no report

White Oak Culvert easements - no report

Breezewood Drive Easements – no report

ZHB Appeal –

R. Wielebinski made a motion, seconded by C. Kilby, to authorize the township solicitor to represent the township at the ZHB to be scheduled to hear appeal filed by J. W. Penney. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; J. Belvin, yes. Motion carried

Solicitor DeVito informed the Board that there are currently three upcoming Zoning Hearing Board appeals that are either scheduled or in the process of being scheduled – Abrams/LTS – sign issue – October 29, 2019; Feeling Good LLC – STR – yet to be scheduled; J. W. Penney – use of property – yet to be scheduled.

PUBLIC COMMENT:

Commissioner Kilby requested that in future newsletters and notices to the public that information concerning the failing bridge is a major reason as to why “To Fish Hill” is being closed.

ADJOURNMENT:

J. Lastowski made a motion, seconded by R. Wielebinski, to adjourn the meeting at 8:34pm. Roll call Vote: K. Meeker, yes; R. Wielebinski, yes; J. Lastowski, yes; C. Kilby, yes; and J. Belvin, yes. Motion carried.