

**Pocono Township Board of Commissioners
Regular Meeting Minutes
September 21, 2020 7:00 p.m.**

The regular meeting of the Pocono Township Commissioners was held on September 21, 2020 at the Pocono Township Municipal Building and opened by President Rich Wielebinski at 7:00 p.m. followed by the Pledge of Allegiance.

Roll Call: Jerrod Belvin, present; Ellen Gnandt, present; Jerry Lastowski, present; Keith Meeker, present; and Rich Wielebinski, present.

In Attendance: L. DeVito, Township Solicitor, Broughal & DeVito; Jon Tresslar, Township Engineer, Boucher & James, Inc.; and Taylor Muñoz, Township Manager.

Public Comments – None

Announcements

- An executive session was held on Wednesday, September 16, 2020 to discuss personnel issues and an executive session immediately prior to tonight's meeting also for the purpose of discussing personnel.
- Our 2020 Fall Cleanup is scheduled for Friday through Saturday, October 2-3, 2020. Residents will be able to bring difficult-to-dispose-of items to the Township from 7:30 AM to 3:00 PM both days. Proof of residency is required. For further details, please view the Cleanup Day flyer on the Township website or Facebook.
- If you have not already, we would encourage you to sign up for the Township newsletter at www.poconopa.gov, follow our Facebook page for frequent community updates and subscribe to our township-wide Savvy Citizen notification system at www.savvycitizenapp.com.

Hearings – None

Presentations

- A presentation originally planned by Northridge at Camelback was postponed.
- Interviews were held with one candidate for appointment to the Pocono Jackson Joint Water Authority (PJJWA) Board and two candidates for alternates to the Planning Commission.

E. Gnandt made a motion, seconded by R. Wielebinski, to appoint Marie Guidry to the Pocono Jackson Joint Water Authority Board. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Lastowski, to appoint Claire Learn as an alternate to the Township Planning Commission. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to appoint Stephanie Shay as an alternate to the Township Planning Commission. All in favor. Motion carried.

- Marie Guidry, Vice Chair of the Township Planning Commission, presented the proposed Property Maintenance Ordinance to the Board of Commissioners, as drafted and recommended by the Planning Commission. Specific discussion items included regulations addressing weed growth exceeding ten inches, cutting of vegetation close to stream banks, junk vehicles, civil judgements, remediation timelines and other items. Specific properties of concern were discussed, including two properties on S.R. 715. It was stated that the Township zoning officer will visit the properties in question. The Board agreed to allow additional time to review the Ordinance and make some small legal changes, with an anticipated motion to advertise the Ordinance at the next meeting in October.

Resolutions

Resolution 2020-18 – R. Wielebinski made a motion, seconded by J. Belvin, to approve the Coronavirus Relief Fund Recipient Agreement for the receipt of grant funds reimbursing the Township for COVID-19 related expenditures. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to deny preliminary plan approval of the Spa Castle Grand Pocono Resort Land Development Plan. Under discussion, L. DeVito clarified that the applicant is approaching a deadline where the plan would be subject to a “deemed approval” unless an extension was requested. No extension request has been made by the applicant. All in favor. Motion carried.

OLD BUSINESS

R. Wielebinski made a motion, seconded by K. Meeker, to approve the minutes of the September 8, 2020 regular meeting of the Board of Commissioners. All in favor. Motion carried.

NEW BUSINESS

1. Personnel – No new business.

2. Financial Transactions

R. Wielebinski made a motion, seconded by E. Gnandt, to ratify vouchers payable received through September 17, 2020 in the amount of \$106,222.37. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gnandt, to ratify gross payroll for pay period ending September 6, 2020 in the amount of \$106,098.07. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by K. Meeker, to approve vouchers payable received through September 17, 2020 in the amount of \$154,761.14. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by J. Belvin, to approve sewer operating fund expenditures through September 17, 2020 in the amount of \$110,169.83. Under discussion, E. Gnandt asked about time billed by road crew to the sewer. It was explained that there was significant work by the road crew on Learn Road to address sinkage around the sewer line and replacement of five manholes that never had risers installed. All in favor. Motion carried.

R. Wielebinski made a motion, seconded by E. Gnandt, to approve capital fund expenditures through September 17, 2020 in the amount of \$3,571.35. All in favor. Motion carried.

3. Travel/Training Authorizations – No travel/training authorizations.

Report of the President

Richard Wielebinski

- The next 2021 Budget Workshop will be held on Wednesday, October 7, 2020.

Commissioner Comments

Jerrod Belvin, Vice President

- J. Belvin received call from PEMA regarding recovery and damage sustained from Tropical Storm Isais. PEMA has asked for a detailed need analysis. Will work with J. Tresslar to assess the road and bridge damage due to the tropical storm. Learn Road and Wilkie Road are being evaluated. E. Gnandt inquired about potential for reimbursement for any damage to sewer system. J. Belvin

confirmed sewer damage would be eligible. R. Wielebinski asked about potential for removing debris from area streams.

Ellen Grandt – Commissioner

- No update.

Jerry Lastowski – Commissioner

- J. Lastowski asked whether there are any updates on current short-term rental violation issues. T. Munoz stated civil actions have been filed and they are working through the legal process.
- Expressed concerns about individuals who made public comment at a recent meeting that he stated should be considered character assassination and not covered under public comment. Stated while elected officials are subject to the public's opinions, he did not feel that individuals who are not present in the room should be defamed by others when not present to defend themselves. L. DeVito stated public comment entails the right of an individual to express their concerns. There are limitations for profanity, but the Board cannot limit ability of individual to express a criticism – even if it is not based in fact. L. DeVito will investigate whether there are any limitations on public comment directed at personal character or non-elected employees.

Keith Meeker – Commissioner – No comment.

Reports

Zoning – No report.

Emergency Services

- Police – No report.
- EMS – No report.
- Fire – No report.

Public Works Report

- Road Crew has completed paving projects and shoulder work. They are now beginning work at TLC Park to repair the spillway at the lower pond and remove the cattails from the pond.
- Regarding Robin Lane, once legal descriptions are received, L. DeVito will begin preparing easement agreements and getting them back to R. Sargent to have them executed for the start of the project.
- The well work at MVP is ongoing. Craig LaBarre, the water specialist, spent an entire day at the site and ordered testing. The turnaround time to get the tests back is roughly two weeks. As soon as the tests are received, he will tweak the system one last time and order an expedited test. Once that test is received and comes back clean, the data will accompany the seasonal startup procedures and be submitted to the DEP for final approval.

Administration – Manager's Report

- Fall Cleanup is coming up on October 2nd and 3rd. A local entity reached out to offer shredding services to the public through the cleanup and he is working to get back in touch with the company.
- The Amusement Tax application packet has been sent out to 16 entities throughout the Township, both to those who directly qualify as amusements and others who may be subject to the tax if they conduct any temporary amusements.
- Currently submitting two LSA grant applications. As discussed prior, PJJWA received their state grant for water system upgrades. T. Munoz is now working with the grant consultant to potentially submit an additional grant for remaining Water Authority projects.

- Wine Press Inn – No update.
- The Pocono Township Volunteer Fire Department will be receiving a check directly from Pocono Manor Investors to offset the cost of fuel from the Pocono Manor fire in 2019. This will take the Fire Department out of the middle of the issue with Pocono Manor's insurance company.
- Asked for Commissioner approval to move forward with hiring an administrative assistant position within the Township. Position would entail a combination of land development responsibilities and administrative support.

R. Wielebinski made a motion, seconded by J. Belvin, to advertise for and hire an Administrative Assistant position within the Township with a start date of November 2, 2020. All in favor. Motion carried.

- Update – Regional HSPS Comprehensive Plan – Wednesday, October 21 at 6:00 p.m.

Township Engineer Report

- St. Paul's Lutheran Drainage Basin. J. Tresslar received the original design drawings from the Church's engineer and provided a review letter back with suggested specifications. Will also provide follow-up call to the Church to keep on the issue.
- Archer Lane Drainage Issues. L. DeVito stated he sent a letter to Mr. Archer's attorney stating that an application was never made for a zoning hearing and that a citation will be issued. T. Munoz stated he spoke with someone who is interested in purchasing Mr. Archer's property. L. DeVito stated if the property was transferred, the new owner would be responsible for remediating the existing issues. Until there is a real estate transaction, Mr. Archer is responsible for the remediation.
- TLC Bridge – J. Tresslar recommending final payment on the project, as the contractor has satisfied all requirements for the project.

Township Solicitor Report

- Discussion regarding amendment to the HJP Park cooperation agreement. Cooperation agreement is still being drafted.
- Last week, a filing was made in Monroe County Court against the Kelly Family Trust for a problem property in the Township.
- Update – ZHB – Johnson Appeal for Transient Dwelling Unit. All required legal paperwork has been filed in the Johnson case, a short-term rental in Cobble Creek. The ZHB will be scheduling a time to deliberate and provide a verdict on the case.

Public Comment

- E. Gndant asked whether there is a way to lien the property of Mr. Archer and, when the sale of the property occurs, the Township would have the lien satisfied. L. DeVito stated the Township would need to petition the Court for authorization to enter the property, get an estimate of needed work, have judge authorize the completion of that work, complete the required work and file a municipal lien on the property for the value of that work. It may be a contentious process. J. Tresslar stated the riprap that was installed on one side of the lane seems to have worked pretty well, but similar work is required on the opposing side of the road.

Adjournment

R. Wielebinski made a motion, seconded by K. Meeker, to adjourn the meeting at 7:58 p.m. All in favor. Motion carried.